

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG ALLEN HOFFMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60926

FILED

MAY 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Amorosa
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of four counts of lewdness with a child under fourteen years of age. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.


Appellant Craig Allen Hoffman contends that the district court violated his double jeopardy rights by subjecting him to a second trial after jeopardy attached in the first trial and a mistrial was declared. He argues that the mistrial was declared without his consent and was not dictated by manifest necessity because the district court failed to consider less drastic alternatives.


The constitutional guarantee against double jeopardy bars retrial after jeopardy has attached and before a verdict has been reached unless (1) the defendant consents to a mistrial or (2) the district court determines that a mistrial is required by "manifest necessity." Glover v. Dist. Ct., 125 Nev. 691, 709, 220 P.3d 684, 696 (2009). We review a district court's determination of manifest necessity for abuse of discretion. Id.


The district court declared a mistrial after finding that the jury had deliberated and was deadlocked. We conclude that the district

court did not abuse its discretion by determining that a mistrial was required by manifest necessity and did not violate Hoffman's double jeopardy rights. See id. at 702, 220 P.3d at 692 ("A deadlocked jury is the classic example of the 'manifest necessity' for mistrial before final verdict that will permit retrial without offense to a defendant's double jeopardy rights."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jerome Polaha, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk