


IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DOUGLAS CHARTIER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61910

**FILED**

SEP 18 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


This is an appeal from a district court order denying appellant John Douglas Chartier's motion for a new trial. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

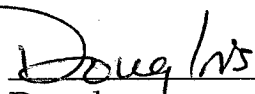
Chartier contends that the district court erred by denying his motion for a new trial based on newly discovered evidence—a letter written by Chartier's coconspirator, David Wilcox, asserting there was no conspiracy and he alone murdered the victims. We review a district court's ruling on a motion for a new trial for an abuse of discretion. *Servin v. State*, 117 Nev. 775, 792, 32 P.3d 1277, 1289 (2001). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Jackson v. State*, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001).


The record reveals that the district court heard argument on the motion; looked at the letter and its circumstances; considered the criteria for newly-discovered evidence listed in *Oliver v. State*, 85 Nev. 418, 424, 456 P.2d 431, 435 (1969); carefully considered our holdings in *Burton v. State*, 84 Nev. 191, 196, 437 P.2d 861, 864 (1968) (discussing evidence offered by codefendant following his conviction), and *Jones v.*

*State*, 108 Nev. 651, 657-58, 837 P.2d 1349, 1353 (1992) (distinguishing *Burton* on the facts); and found that the letter was not sufficient on its own to warrant a new trial. Based on this record, we conclude Chartier has failed to demonstrate that the district court abused its discretion by denying his motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Kathleen E. Delaney, District Judge  
Lance J. Hendron  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk