

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE FRANCISCO, A/K/A JOSE
FRANCISCO MORENO AGUILAR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64324

FILED

JUL 22 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.


Appellant Jose Francisco contends that the district court abused its discretion during voir dire by denying his for-cause challenge to a venireperson who worked in the evidence vault of the police department involved in the case. We disagree.


"[T]he district court enjoys broad discretion in ruling on challenges for cause." *Blake v. State*, 121 Nev. 779, 795, 121 P.3d 567, 577 (2005). Here, although the challenged venireperson worked in the evidence vault, her employment did not compel that she be removed where she maintained that she could remain impartial and nothing about her work impacted her ability to serve as a juror on the case. *See* NRS 16.050; NRS 175.036; *Blake*, 121 Nev. at 796, 121 P.3d at 578. And even assuming otherwise, Francisco is not entitled to relief because he excused the venireperson using a peremptory challenge and fails to demonstrate that the jury ultimately impanelled was unfair or biased. *See Blake*, 121 Nev. at 796, 121 P.3d at 578 ("If the jury actually seated is impartial, the

fact that a defendant had to use a peremptory challenge to achieve that result does not mean that the defendant was denied his right to an impartial jury.”); *Wesley v. State*, 112 Nev. 503, 511, 916 P.2d 793, 799 (1996). We conclude that the district court did not abuse its discretion, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Lidia Stiglich, District Judge
Patricia C. Halstead
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk