

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM DALLAS GRINAGER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35990

**FILED**

OCT 25 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of burglary with the use of a deadly weapon in violation of NRS 205.060(4). The district court sentenced appellant to serve a term of 26-120 months in prison. Appellant was given credit for 194 days time served.

Appellant's only contention is that the district court erred by not allowing into evidence the testimony of a witness. Appellant argues that the testimony of the witness was necessary to impeach the credibility of one of the State's main witnesses. We disagree.

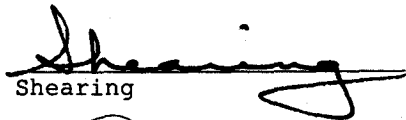
This court has stated that the decision to admit or exclude evidence rests within the discretion of the trial court. See *Greene v. State*, 113 Nev. 157, 166, 931 P.2d 54, 60 (1997); *Daly v. State*, 99 Nev. 564, 567, 665 P.2d 798, 801 (1983). Furthermore, "this court will respect the trial court's determination as long as it is not manifestly wrong." *Colon v. State*, 113 Nev. 484, 491, 938 P.2d 714, 719 (1997).

In this case, appellant did not provide to the State prior written notice containing the name and address of the intended witness in violation of NRS 174.234(1)(a)(1) and (3)(a). Nevertheless, the district court allowed appellant to make an offer of proof outside the presence of the jury. See

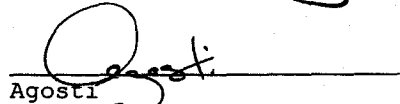
NRS 174.295(2). Appellant offered into evidence the testimony of a witness claiming that a prosecution witness was a regular drug user. The district court disallowed the testimony stating that it was not relevant and was cumulative. See id. We agree, and also add that "[e]xtrinsic evidence of specific instances of conduct may not be used to attack the credibility of a witness" in a party's case in chief. *Sherman v. State*, 114 Nev. 998, 1006, 965 P.2d 903, 909 (1998) cert. denied, 526 U.S. 1122 (1999); NRS 50.085(3); see also *McKee v. State*, 112 Nev. 642, 646-47, 917 P.2d 940, 943 (1996). Therefore, we conclude the district court did not err in excluding the testimony of appellant's witness.

Having considered appellant's contention and concluded that it lacks merit, we affirm the judgment of conviction.

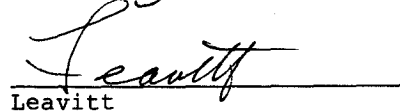
It is so ORDERED.<sup>1</sup>

  
Shearing

J.

  
Agosti

J.

  
Leavitt

J.

cc: Hon. Janet J. Berry, District Judge  
Attorney General  
Washoe County District Attorney  
Mirch & Mirch  
Washoe County Clerk  
Debora L. Cecere

<sup>1</sup>On August 8, 2000, this court received a letter from court reporter Debora L. Cecere, requesting an extension of time in which to file the rough draft transcript in this appeal. Cecere is reminded that the filing of a motion is the appropriate way to seek an extension of time for the filing of a transcript. See NRAP 3C(h)(1). Nonetheless, we construe Cecere's letter as such a motion and deny it as moot.