

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES ERIC EPPS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71727

**FILED**

MAR 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*


James Eric Epps appeals from a judgment of conviction entered pursuant to a jury verdict of second-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


Epps claims the district court erred by denying his motion to represent himself. “The Sixth Amendment of the United States Constitution, made applicable to the states by the Fourteenth Amendment, guarantees a defendant the right to self-representation.” *Watson v. State*, 130 Nev. 764, 782, 335 P.3d 157, 170 (2014). However, a district court “may deny a request for self-representation that is untimely, equivocal, or made for the purpose of delay.” *Id.* We review the district court’s decision to deny a motion for self-representation for an abuse of discretion. *See id.* at 783, 335 P.3d at 171.

Epps’ motion to represent himself was untimely. “If it is clear that the request comes early enough to allow the defendant to prepare for trial without need for a continuance, the request should be deemed timely.” *Id.* (quoting *Lyons v. State*, 106 Nev. 438, 446, 796 P.2d 210, 214 (1990)). Epps’ trial had been continued six times when he filed his motion to

represent himself. He filed the motion approximately one month before the scheduled trial date. And he informed the district court at the hearing on the motion that he would need a continuance if the motion were granted. Considering the timing of Epps' motion and his assertion he would need a continuance if his motion was granted, we conclude the district court did not abuse its discretion by denying Epps' motion to represent himself. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Douglas W. Herndon, District Judge  
Coyer Law Office  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk