IN THE COURT OF APPEALS OF THE STATE OF NEVADA
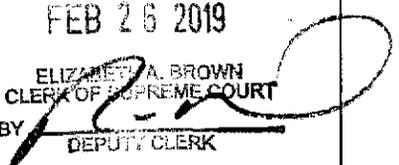
COREY D. EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75046-COA

FILED

FEB 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of battery with the use of a deadly weapon resulting in substantial bodily harm constituting domestic violence, battery resulting in substantial bodily harm constituting domestic violence, and two counts of battery constituting domestic violence. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Appellant Corey D. Edwards' conviction arises from several domestic violence incidents with his wife, Jeannette Schulz. On appeal, Edwards argues that the district court violated his right to confrontation by restricting his cross-examination of Schulz regarding her propensity for self-harm. The State argues that while the Confrontation Clause guarantees an opportunity for effective cross-examination, this constitutional right is not unfettered, and Edwards failed to show that the evidence was relevant. We agree with the State.

This court reviews a district court's "evidentiary rulings for an abuse of discretion and the ultimate question of whether a defendant's Confrontation Clause rights were violated de novo." *Farmer v. State*, 133 Nev., Adv. Op. 86, 405 P.3d 114, 123 (2017).

The Confrontation Clause of the Sixth Amendment provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him." U.S. Const. amend. VI. In particular, "the Confrontation Clause guarantees an *opportunity* for effective cross-examination, [but] not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish." *Chavez v. State*, 125 Nev. 328, 338, 213 P.3d 476, 483 (2009) (internal quotation marks omitted). "[T]rial judges 'retain wide latitude' to restrict cross-examination to explore potential bias 'based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness' safety, or interrogation that is repetitive or only marginally relevant.'" *Leonard v. State*, 117 Nev. 53, 72, 17 P.3d 397, 409 (2001) (quoting *Delaware v. Van Arsdall*, 475 U.S. 673, 679 (1986)).

Here, Edwards states that he should have been able to inquire about the other scars on Schulz's neck because such inquiry was relevant to prove Schulz's propensity for self-harm. Pursuant to NRS 48.015, "relevant evidence" is defined as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence." During the preliminary hearing, Schulz never testified that the other scars on her neck were self-inflicted. In particular, after the district court asked Schulz if she had prior scars on her neck that were self-inflicted, Schulz responded that the scars on her neck happened after she fell on sharp glass while she was having a seizure. Thus, soliciting testimony from Schulz regarding the origin of her prior neck scars was irrelevant to Edwards' theory that Schulz has a propensity for self-harm and that Schulz fabricated all the domestic violence incidents. The district court acted within its authority to restrict

further cross-examination on the subject, and we discern no abuse of discretion or violation of Edwards' right to confrontation.[1] Accordingly, we ORDER the judgment of conviction AFFIRMED.

_____, A.C.J.
Douglas
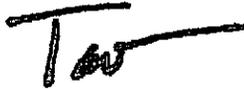
_____, J.
Tao

_____, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
        Hill Firm PLLC
        Attorney General/Carson City
        Clark County District Attorney
        Eighth District Court Clerk

---

[1]In light of our holding, we also reject Edwards' contention that the district court's application of NRS 48.025 warrants reversal, as NRS 48.025(2) renders irrelevant evidence inadmissible.