

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOLAN BONDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37114

FILED

MAY 18 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. S. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary and one count of grand larceny. The district court sentenced appellant to a prison term of 16 to 72 months for burglary, and a concurrent prison term of 14 to 36 months for grand larceny.

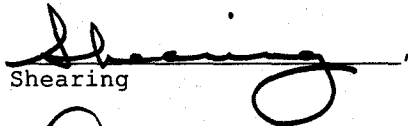
Appellant first contends that the district court erred by admitting evidence of prior uncharged misconduct. The decision to admit such evidence is within the sound discretion of the district court and will not be disturbed unless that decision is manifestly wrong.¹ In the instant case, the district court conducted a Petrocelli hearing, and found that the evidence was admissible pursuant to NRS 48.045(2) to show identity, intent, preparation, and plan. The district court further found the evidence's probative value far outweighed its prejudicial effect, and that the act had been proven by clear and convincing evidence. We conclude that the district court did not abuse its discretion by admitting the evidence, and appellant's contention is therefore without merit.

¹Petrocelli v. State, 101 Nev. 46, 692 P.2d 503 (1985).

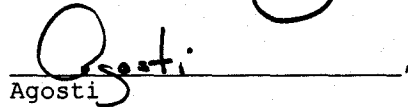
Appellant also contends that the prosecutor committed misconduct by stating a personal opinion as to the credibility of a witness for the State. However, appellant failed to object to the prosecutor's comments. Accordingly, appellant's challenges to those comments have not been preserved for appeal.² Moreover, even if appellant had objected, the comments, taken in context, did not amount to giving a personal opinion or vouching for credibility. The comments were proper argument based on the evidence and reasonable inferences therefrom regarding the credibility of the witness.³

Having considered both of appellant's contentions and concluded that they are without merit, we

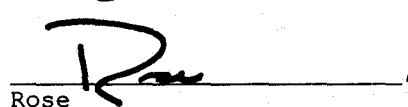
ORDER the judgment of conviction AFFIRMED.



Shearing J.



Agosti J.



Rose J.

cc: Hon. William A. Maddox, District Judge
Attorney General
Carson City District Attorney
State Public Defender
Carson City Clerk

²See Parker v. State, 109 Nev. 383, 391, 849 P.2d 1062, 1067 (1993).

³See Klein v. State, 105 Nev. 880, 884, 784 P.2d 970, 973 (1989).