

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE M. TIAFFAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69461

FILED

FEB 24 2017

CHRISTOPHER BROWN
CLERK OF SUPREME COURT
BY *M. Wilcox*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant George M. Tiaffay appeals from a judgment of conviction entered pursuant to a jury verdict of conspiracy to commit murder, possession of burglary tools, conspiracy to commit burglary, conspiracy to commit robbery, burglary while in possession of a deadly weapon, robbery with the use of a deadly weapon, and first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Tiaffay claims the district court erred by denying his pretrial motion to compel an independent psychological examination of Noel Scott Stevens, an adult witness for the State. Tiaffay argues he presented a compelling need for the psychological examination in that Stevens' testimony was the only direct evidence corroborating the State's accusations and Stevens had a history of mental health problems which may affect his veracity. And Tiaffay asserts the district court's ruling violated his state and federal due process rights by depriving him of a meaningful defense against the State's accusations.


We review a district court's decision to grant or deny a motion for an independent psychological examination for abuse of discretion. *See*

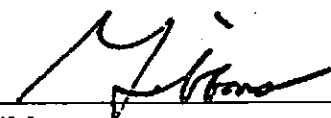
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generally *Mitchell v. State*, 124 Nev. 807, 812, 192 P.3d 721, 724 (2008); *Abbott v. State*, 122 Nev. 715, 723, 138 P.3d 462, 467 (2006). “An abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.” *Crawford v. State*, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005) (internal quotation marks omitted).

Our review of the record reveals the argument Tiaffay presented in his pretrial motion to compel a psychological examination is different from the argument he now presents for our review. Below, he sought a psychological examination to determine whether Stevens was competent to testify. We note Tiaffay has not provided any authority for the proposition that a district court may compel an adult witness like Stevens to undergo a psychological examination. And we conclude Tiaffay has not demonstrated the district court abused its discretion by denying his motion to comply such an examination. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Eric Johnson, District Judge
Robert L. Langford & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk