

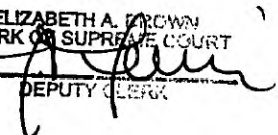
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN WILLIAM LOVE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84014-COA

FILED

DEC 13 2022

ELIZABETH A. FROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brian William Love 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; Jacqueline M. Bluth, Judge.

Love argues he was improperly excluded from presenting three expert witnesses at trial. We review a district court's admission of expert testimony for abuse of discretion. *Perez v. State*, 129 Nev. 850, 856, 313 P.3d 862, 866 (2013). Expert testimony may be admissible if it satisfies three requirements:

(1) [the expert] must be qualified in an area of scientific, technical or other specialized knowledge (the qualification requirement); (2) his or her specialized knowledge must assist the trier of fact to understand the evidence or to determine a fact in issue (the assistance requirement); and (3) his or her testimony must be limited to matters within the scope of his or her specialized knowledge (the limited scope requirement).”

Hallmark v. Eldridge, 124 Nev. 492, 498, 189 P.3d 646, 650 (2008) (internal punctuation and quotation marks omitted).

Prior to trial, Love noticed three expert witnesses that he wanted to testify at trial. The State filed a motion to exclude the witnesses, and Love asked the district court to reserve ruling on the witnesses until trial. At trial, Love did not attempt to have two of the witnesses testify. He therefore fails to demonstrate the district court abused its discretion by excluding these witnesses.

Love attempted to have the third witness testify regarding the required training procedures in order to become a licensed private investigator and what the witness taught regarding self-defense.¹ The district court allowed the parties to voir dire the expert and found that the testimony was not relevant because the expert did not actually train Love and, thus, he could not testify as to the level or depth of training Love received regarding self-defense. The record supports the decision of the district court, and we conclude the district court did not abuse its discretion by excluding the witness.

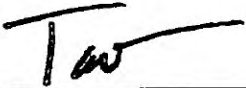
Next, Love argues that the State committed prosecutorial misconduct by making disingenuous arguments in its motion in limine to exclude the expert witnesses and by making arguments at trial that the State knew would be refuted by the expert witnesses. Because Love did not make this argument or object below and he has not argued it was plain error

¹Love got his private investigator license as part of his training to be a security guard.

before this court, we conclude he has forfeited his claim and decline to review it on appeal. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018); *see also Miller v. State*, 121 Nev. 92, 99, 110 P.3d 53, 58 (2005) (stating it is the appellant's burden to demonstrate plain error). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jacqueline M. Bluth, District Judge
Brian S. Rutledge
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk