

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEXTER LEVON MYLES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38831

FILED

OCT 10 2003

ORDER OF AFFIRMANCE

J. Cantello
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance with the intent to sell. The district court sentenced appellant to a prison term of 12 to 34 months.


Appellant's sole contention is that the district court erred by refusing to allow appellant to present evidence that two of the State's witnesses had been fired from working as security guards at the apartment complex where appellant was allegedly selling drugs.


NRS 50.085(3) provides, in pertinent part: "Specific instances of the conduct of a witness, for the purpose of attacking or supporting his credibility, other than conviction of crime, may not be proved by extrinsic evidence." To the extent that the district court precluded appellant from calling witnesses to testify as to prior bad acts by the security guards, the district court did not err.

NRS 50.085(1) provides, in part, that opinion evidence as to a witness' truthfulness or untruthfulness is admissible to attack or support the witness' credibility. The district court allowed appellant to elicit opinion evidence, pursuant to NRS 50.085(1), about the alleged untruthfulness of the security guards. We therefore conclude that the district court properly applied the law in this case.

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Joseph T. Bonaventure, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk