IN THE SUPREME COURT OF THE STATE OF NEVADA

TADARYL WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41944

FILED

NOV 04 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of three counts of battery constituting domestic violence, one count of battery with the use of a deadly weapon, and one count of assault with a deadly weapon. Eighth Judicial District Court, Clark County; Valerie Adair, Judge. The district court sentenced appellant Tadaryl Williams to serve multiple consecutive and concurrent terms totaling 48 to 240 months in the Nevada State Prison.

Williams contends on appeal that the district court erred in denying his motion for a new trial and in failing to question a juror who allegedly saw him handcuffed and shackled after closing arguments but before the jury deliberations began. We conclude that Williams is not entitled to relief on this claim.

A defendant has the right to appear before the jury in the clothing of an innocent person, as "[t]he presumption of innocence is incompatible with the garb of guilt."[1] When an error has occurred at trial that infringes on a defendant's constitutional rights, the conviction must

[1]Grooms v. State, 96 Nev. 142, 144, 605 P.2d 1145, 1146 (1980).

be reversed unless it was harmless beyond a reasonable doubt.[2] In the instant case, the district court conducted an evidentiary hearing during which Officer Finley, the corrections officer who escorted Williams to court, provided testimony. Officer Finley stated that the juror was unable to see Williams when he was handcuffed and shackled because Williams was blocked by a door. Based on this evidence, we conclude that Williams failed to demonstrate that a juror impermissibly viewed him in restraints. Moreover, even assuming that a juror did see Williams handcuffed and shackled, this error was harmless beyond a reasonable doubt. During his closing argument and before the alleged incident occurred, Williams informed the jury that he had been jailed for the past 17 months awaiting trial. "No prejudice can result from seeing that which is already known."[3]

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

ORDER the judgment of the district court AFFIRMED.

Becker _____, J.
Becker

_____, J.
Agosti

_____, J.
Gibbons

---

[2]Dickson v. State, 108 Nev. 1, 3, 822 P.2d 1122, 1123 (1992).

[3]Shuman v. State, 94 Nev. 265, 272, 578 P.2d 1183, 1187 (1978) (quoting Estelle v. Williams, 425 U.S. 501, 507 (1976)); see also Leonard v. State, 108 Nev. 79, 824 P.2d 287 (1992).

cc: Hon. Valerie Adair, District Judge
Amesbury & Schutt
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk