

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEOFFREY COYNE REDDALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55728

FILED

DEC 30 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

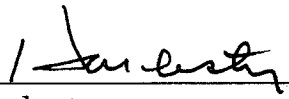
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of possession of a document or personal identifying information to establish a false status or identity and unlawful application for a driver's license. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.


Appellant Geoffrey Reddall asserts that the prosecutor engaged in misconduct when he asked Reddall, during cross-examination, whether he and other witnesses lied during trial. The State concedes that the prosecutor engaged in misconduct, and we agree that the prosecutor improperly and repeatedly asked Reddall whether other witnesses had lied. See Daniel v. State, 119 Nev. 498, 519, 78 P.3d 890, 904 (2003). However, Reddall failed to object to any of the prosecutor's inappropriate questions, and we conclude that he has not demonstrated that this misconduct, standing alone, affected his substantial rights. See Valdez v. State, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008).


Reddall also contends that the district court erred by admitting evidence, pursuant to the res gestae statute, that he had engaged in prior fraudulent transactions to obtain driver's licenses. See NRS 48.035(3). We agree that the district court erred by admitting

evidence of three prior transactions because those acts were not so interconnected to the charged offenses such that a witness could not describe the charged offenses without referencing the prior acts.¹ See Bellon, 121 Nev. at 444, 117 P.3d at 181; see also Tabish v. State, 119 Nev. 293, 307, 72 P.3d 584, 593 (2003) (the complete story of the crime doctrine is narrowly construed). We note that a large portion of trial was focused on the prior transactions and the State relied upon them in its closing argument. Therefore, we cannot conclude that the erroneous admission of the prior transactions was harmless beyond a reasonable doubt, especially in conjunction with the prosecutorial misconduct discussed above. See Bellon, 121 Nev. at 445, 117 P.3d at 181. Accordingly, we

ORDER the judgment of conviction REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.²

, J.
Hardesty

, J.
Douglas

, J.
Pickering

¹The State specifically requested at trial that the evidence be admitted under NRS 48.035(3) rather than NRS 48.045(2); therefore, we need not consider its contention that the evidence was admissible to prove identity under NRS 48.045(2). See Bellon v. State, 121 Nev. 436, 444, 117 P.3d 176, 180 (2005).

²Because we reverse the judgment of conviction on these grounds we need not address the other contentions raised by Reddall on appeal.

cc: Hon. Steven R. Kosach, District Judge
Attorney General/Carson City
Washoe County District Attorney
Washoe County Public Defender
Washoe District Court Clerk