

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES DOERR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57803

**FILED**

NOV 13 2011

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of battery upon an officer, a gross misdemeanor. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

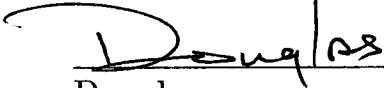
Appellant Charles Doerr contends that the district court erred by denying his motion for a mistrial because statements that he made to the police were improperly admitted in evidence. The district court reviewed the transcripts of the relevant testimony, found that one of Doerr's statements was obtained in violation of Miranda v. Arizona, 384 U.S. 436 (1966), but its admission into evidence was harmless in the context of the case, see Arizona v. Fulminate, 499 U.S. 279, 295-96 (1991) (the admission of a statement obtained in violation of Miranda is subject to harmless error analysis), and denied the motion for a mistrial. We conclude from our review of the record that the error was harmless beyond a reasonable doubt, see id., and the district court did not abuse its discretion by denying Doerr's motion for a mistrial, see Ledbetter v. State, 122 Nev. 252, 264, 129 P.3d 671, 680 (2006).

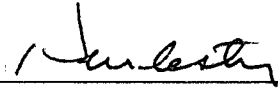
Doerr further contends that the district court erred in rejecting his proffered jury instruction on reasonable doubt and instructing the jury pursuant to NRS 175.211. We conclude that the

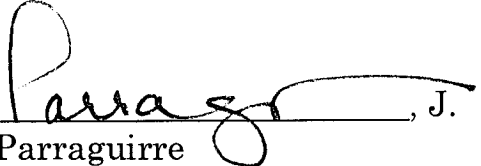
district court did not abuse its discretion by giving the mandatory reasonable doubt instruction, see NRS 175.211(2); Crawford v. State, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005) (reviewing a district court's jury instruction decision for abuse of discretion or judicial error), and we decline to revisit our prior decisions upholding the constitutionality of this instruction, see Garcia v. State, 121 Nev. 327, 340 & 340-41 n.26, 113 P.3d 836, 844 & n.26 (2005).

Having considered Doerr's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

  
Douglas

  
Hardesty

  
Parraguirre

cc: Hon. Patrick Flanagan, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk