

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON MARCUS JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82159-COA

FILED

JUL 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jason Marcus Jones appeals from a judgment of conviction, entered pursuant to a jury verdict, of two counts of felon in possession of a firearm, possession of a trafficking quantity of a controlled substance, and possession of a controlled substance with intent to sell. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Jones argues the district court erred by denying his request to represent himself at trial without conducting a *Faretta* canvass.¹ “A criminal defendant has the right to self-representation under the Sixth Amendment of the United States Constitution and the Nevada Constitution.” *Vanisi v. State*, 117 Nev. 330, 337, 22 P.3d 1164, 1169 (2001). A defendant who chooses to represent himself “must knowingly and intelligently forgo” his right to counsel. *Faretta*, 422 U.S. at 835 (internal quotation marks omitted). “[C]ourt[s] should conduct a *Faretta* canvass to apprise the defendant fully of the risks of self-representation and of the nature of the charged crime so that the defendant’s decision is made with a clear comprehension of the attendant risks.” *O’Neill v. State*, 123 Nev. 9,


¹*Faretta v. California*, 422 U.S. 806 (1975).


17, 153 P.3d 38, 43 (2007) (internal quotation marks omitted). We review the district court's decision to deny a motion for self-representation for an abuse of discretion. See *Gallego v. State*, 117 Nev. 348, 362, 23 P.3d 227, 236-37 (2001), *abrogated on other grounds by Nunnery v. State*, 127 Nev. 749, 776 n.12, 263 P.3d 235, 253 n.12 (2011).

Jones informed the district court he wanted to represent himself during a pretrial hearing that occurred less than a week before his trial. The record reflects that the district court began a *Faretta* canvass by apprising Jones of the risks of self-representation but stopped when Jones ceased participation in the canvass. The district court informed Jones that if he did not participate in the canvass, the court would be unable to determine if he was capable of representing himself and would have no choice but to deny his motion and proceed with counsel. Jones chose not to participate. Therefore, we conclude that the district court did not abuse its discretion by denying Jones' request to represent himself at trial. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk