

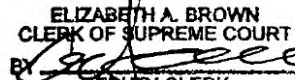
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARWYN ROSS YOWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83666-COA

FILED

FEB 21 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Darwyn Ross Yowell appeals from a judgment of conviction entered pursuant to a jury verdict of two counts of battery by a prisoner who is in lawful custody or confinement. Fourth Judicial District Court, Elko County; Mason E. Simons, Judge.

Yowell argues the district court abused its discretion by refusing to give his proposed jury instruction on self-defense. He claims the district court instead gave instructions that were duplicative and did not fully inform the jury of the State's burden to prove Yowell did not act in self-defense beyond a reasonable doubt. "District courts have broad discretion to settle jury instructions." *Cortinas v. State*, 124 Nev. 1013, 1019, 195 P.3d 315, 319 (2008). We "review a district court's refusal to give a jury instruction for an abuse of discretion or judicial error." *Nay v. State*, 123 Nev. 326, 330, 167 P.3d 430, 433 (2007).

Yowell does not cogently argue how the instructions given by the district court were duplicative. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (explaining that this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority). And his proposed instruction was substantially covered

by other instructions addressing a person's ability to defend himself or his property, the State's burden regarding a claim of self-defense, and that a person acting in justifiable self-defense must be found not guilty of battery. Therefore, we conclude the district court did not abuse its discretion by refusing to give Yowell's proposed instruction. *See Vallery v. State*, 118 Nev. 357, 372, 46 P.3d 66, 77 (2002) (stating the district court may refuse a jury instruction that is "substantially covered by other instructions"). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mason E. Simons, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk