

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMONT BOUSLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43938

**FILED**

MAR 30 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of invasion of the home (count I), conspiracy to commit robbery (count II), and robbery (count III). Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Lamont Bousley to serve a prison term of 16 to 72 months for count I, a consecutive prison term of 12 to 36 months for count II, and a concurrent prison term of 26 to 120 months for count III.

Bousley first contends that there was insufficient evidence supporting his conviction for home invasion. In particular, Bousley contends that there was no evidence presented that he forcibly entered the apartment because the door had previously been kicked down by a maintenance worker. We conclude that Bousley's contention lacks merit.

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>1</sup> In particular, the victim testified that Bousley, her neighbor,

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<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

and a woman, whom she did not know, knocked on her door at 1:00 a.m. The couple refused the victim's request to leave and tried to open the door, but it was locked. Bousley then proceeded to kick the door three times. The victim described how the "door came flying in, wood went everywhere [and her young sons] started screaming." Two law enforcement officers, who responded to the victim's 9-1-1 call, also testified that they observed the door had been kicked in, explaining that there were wood splinters and parts of the door frame on the floor of the victim's apartment.

Although the victim admitted that, previously, the maintenance man had kicked down the door when she lost her keys, she further explained that he had fixed the door and replaced the frame. The jury could reasonably find from the evidence presented that Bousley used physical force to enter the victim's apartment by kicking down the door.<sup>2</sup> The jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>3</sup>

Bousley next contends that there was insufficient evidence in support of his convictions for conspiracy to commit robbery and robbery because there was no evidence that force was used to retain the money and electronic equipment taken from the victim. Also, Bousley contends that the State failed to show that the victim's personal property was taken against her will because she actually gave the electronic equipment and

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<sup>2</sup>See NRS 205.067.

<sup>3</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

money to the defendant to satisfy a drug debt. We conclude that Bousley's contentions lack merit.

Our review of the record on appeal, again, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. In particular, the victim testified that, after the door was kicked down, the female intruder asked "what are we going to do," and Bousley said, "get her." The female intruder hit the victim numerous times and then Bousley and the female took the victim's money, DVD player and stereo without her consent. Although Bousley argues that the victim gave him the money and electronic equipment to repay a drug debt, the victim testified that she neither used drugs nor owed Bousley or the female intruder money. The jury could reasonably find from the evidence presented that Bousley conspired to rob the victim, and then robbed the victim by unlawfully taking the victim's personal property against her will by means of force or fear.<sup>4</sup> It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.


Finally, Bousley contends that the victim's testimony about whether she knew Bousley and his co-conspirator is so inconsistent and incredible that "fairness requires that Bousley be granted a new trial on the merits of his case." We disagree and conclude that Bousley received a fair trial.

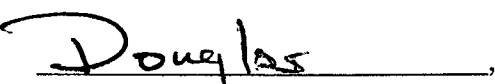
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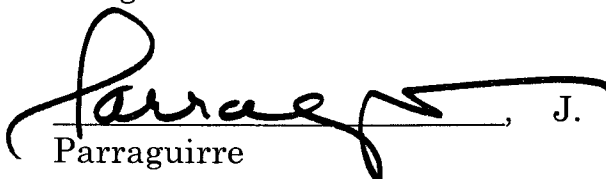
<sup>4</sup>See NRS 199.480; NRS 200.380.

Having considered Bousley's contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.<sup>5</sup>

 J.  
Maupin

 J.  
Douglas

 J.  
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge  
Jonathan E. MacArthur  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>5</sup>Because Bousley is represented by counsel in this matter, we decline to grant Bousley permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to Bousley unfiled all proper person documents he has submitted to this court in this matter.