

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUCAS DARNELL CROCKETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44829

FILED

MAR 16 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of count I, burglary while in possession of a firearm, counts II-V, robbery with use of a deadly weapon, and count VI, conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. Appellant Lucas Crockett was sentenced on count I to a prison term of 36-144 months. On counts II-V, Crockett was sentenced to a prison term of 36-144 months on each count, plus an equal and consecutive 36-144 months for the use of a deadly weapon on each count. On count VI, Crockett was sentenced to a prison term of 24-72 months. All counts were ordered to be served concurrently.

Crockett contends that the evidence presented at trial was insufficient to support the jury's finding of guilt on one of the robbery counts because one victim had no possessory interest in the property taken. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹

¹See 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).

This court has previously ruled that multiple convictions of robbery are proper when property is taken from multiple employees.² In particular, we note testimony that this particular victim, whom Crockett alleged to have no possessory interest in the property taken, was a "runner" with the business and had just dropped off over \$2,000 prior to the robbery. Crockett's co-conspirator pointed a gun at every employee and emptied the registers of three different loan officers. Employees in proximity to such property have a sufficient possessory interest in said property.³ Additional testimony from multiple witnesses identified Crockett as a person involved in the robbery. Crockett was identified as jumping over the counter during the robbery with a red rag in hand and carrying a manila envelope and demanding that an employee open her cash drawer. Finally, a witness admitted he committed the crimes with Crockett.

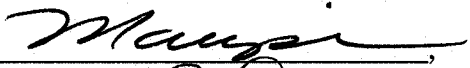
The jury could reasonably infer from the evidence presented that Crockett did commit the crime of robbery and that all the victims were employees of the loan company with a possessory interest in the property taken. It is for the jury to determine the weight and credibility to

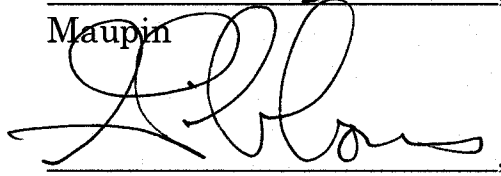
²Klein v. State, 105 Nev. 880, 885, 784 P.2d 970, 973 (1989).

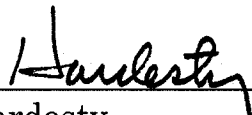
³Robertson v. Sheriff, 93 Nev. 300, 302, 565 P.2d 647, 648 (1977)(for purposes of robbery statute, a thing is in the presence of a person, in respect to robbery of that person, if it "is so within his reach, inspection, observation or control, that he could if not overcome by violence or prevented by far, retain his possession of it.").

give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.⁴

Having concluded that appellant's contention lacks merit, we
ORDER the judgment of conviction AFFIRMED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Stewart L. Bell, District Judge
Amesbury & Schutt
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See 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).