IN THE SUPREME COURT OF THE STATE OF NEVADA

CRYSTAL FUENTES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45412

FILED

FEB 23 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree kidnapping (count IX), pandering of a child (count X), and pandering, furnishing transportation (counts XII-XIII). Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Crystal Fuentes to serve a prison term of 60-180 months for count IX, a consecutive prison term of 48-120 months for count X, and two concurrent prison terms of 12-60 months for counts XII-XIII.

Fuentes' sole contention is that the evidence presented at trial was insufficient to support the jury's finding that she was guilty beyond a reasonable doubt. Fuentes concedes that she engaged in "prostitution-type activities," but claims that she acted under duress. Specifically, Fuentes argues that she lacked the capacity to form the requisite intent to commit the crimes she was convicted of due to "her zombie-like allegiance to her pimp, co-defendant [Gregory] Jefferson."[1]

[1]The jury found Jefferson guilty of two counts of first-degree kidnapping, five counts of sexual assault of a minor under the age of 16

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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.[2] In particular, we note that testimony adduced at trial indicated that the minor-victim was enticed into engaging in prostitution by the promise of monetary gain. Fuentes counseled the victim by providing clothing and a false identification, and advised her to demand $300.00 in exchange for sex. On two separate occasions, Fuentes transported the victim in her vehicle for the purposes of engaging in prostitution.

On the second occasion, Fuentes and the victim were taken into custody by Mandalay Bay Hotel Casino security. Eric Emord, a security manager, testified at trial that initially, the victim provided him with false identification information. Emord also stated that Fuentes admitted to him that she worked for an "out-call service," which he explained was "just another way of getting a prostitute up to your room, rather than picking them up in a bar." Emord asked Fuentes, "why she had a young girl up in a hotel working." Fuentes did not deny that she was working with the victim for purposes of engaging in prostitution, and instead, replied that she did not know how old the victim was. A

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years, six counts of statutory sexual seduction, and one count of pandering of a child.

[2]See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

videotaped recording of the interview with Fuentes and the victim by Mandalay Bay security was admitted at trial.

Based on the above, we conclude that the jury could reasonably infer from the evidence presented that Fuentes committed the crimes of first-degree kidnapping, pandering of a child, and pandering, furnishing transportation.[3] Fuentes failed to demonstrate that she acted under duress.[4] 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, sufficient evidence supports the verdict.[5] Moreover, we note that circumstantial evidence alone may sustain a conviction.[6] Therefore, we conclude that the State presented sufficient evidence to sustain the conviction.

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[3]See NRS 200.310(1); NRS 201.300(1)(a); NRS 201.340(1).

[4]NRS 194.010(7) provides that –

> [a]ll persons are liable to punishment except . . . [p]ersons, unless the crime is punishable with death, who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to believe, and did believe, their lives would be endangered if they refused, or that they would suffer great bodily harm.

[5]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).

[6]See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003).

Having considered Fuentes' contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.[7]

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge
Paul E. Wommer
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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[7]Although this court has elected to file the fast track statement submitted by Fuentes, we note that it does not comply with the arrangement and form requirements of the Nevada Rules of Appellate Procedure. Specifically, a fast track statement "shall be double-spaced." See NRAP 32(a). Counsel is cautioned that failure to comply with the requirements in the future may result in the fast track statement being returned, unfiled, to be correctly prepared. See NRAP 32(c). Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).