

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWANA WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46249

**FILED**

MAR 24 2006

JANET M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of conspiracy to commit robbery and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Lawana Williams to serve a prison term of 24 to 72 months for the conspiracy count and a concurrent prison term of 24 to 96 months for the robbery count with an equal and consecutive prison term for the use of a deadly weapon.

Williams contends that there was insufficient evidence to sustain her conviction. In particular, Williams argues that the only evidence connecting her to the robbery was the victim's testimony that she made a telephone call just before the robber entered the bar. 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, we note that the victim's testimony describing Williams' conduct prior to the robbery was sufficient to support an inference that she

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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).

participated in the robbery, and the victim's testimony was corroborated by other circumstantial evidence, including police officer testimony and the surveillance videotape. The jury could reasonably infer from the evidence presented that Williams and her co-defendant agreed to and did, in fact, commit the crime of robbery with the use of a deadly weapon. 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.<sup>2</sup>

Williams also contends that the prosecutor engaged in misconduct in rebuttal closing argument by shifting the burden of proof to the defense. Specifically, Williams argues that the prosecutor shifted the burden of proof by commenting that the defense failed to request a voice identification lineup and, likewise, failed to ask the investigating officer whether the victim told him that Williams made a telephone call before the robbery. We conclude that Williams' contention lacks merit. The prosecutor's remarks were a fair response to arguments made by defense counsel that the police investigation was deficient and the victim's testimony was suspect.<sup>3</sup> Moreover, when defense counsel objected, the trial court reiterated to the jury that the defense had no burden of proof. We therefore conclude that the prosecutor's comments did not impermissibly shift the burden of proof.

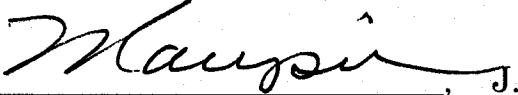
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<sup>2</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).


<sup>3</sup>Cf. Lisle v. State, 113 Nev. 679, 706-07, 941 P.2d 459, 477 (1997) (State did not improperly shift burden of proof when it made general remarks about lack of expert witnesses to point out that defendant failed to substantiate his claim of abuse as a mitigator).

Having considered Williams' arguments and concluded that they lack merit, we

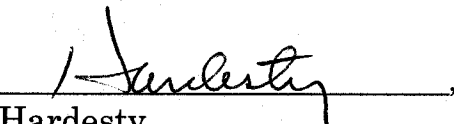
ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Sally L. Loehrer, District Judge  
Goodman Law Firm  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk