

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT WILLIAM ELLIOTT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46282

**FILED**

**MAY 31 2006**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. F. [Signature]*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of robbery of a person 60 years of age or older and robbery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Robert William Elliott to serve four consecutive prison terms of 72-180 months to run consecutively to the sentence imposed in district court case no. CR04-1641, and ordered him to pay \$277.00 in restitution.

Elliott contends that the State failed to prove that there were two distinct acts of robbery because "[p]ersonal property was taken only once from Mr. Stanford, an employee of Smith's." Elliott claims "[t]here was in this case only one act of Robbery," not two. Initially, we note that Elliott failed to object to or challenge the sufficiency of the criminal information in the district court, and as we have repeatedly stated, failure to raise an objection with the district court generally precludes appellate

consideration of an issue.<sup>1</sup> Nevertheless, our review of the issue reveals that no plain error occurred and that Elliott's contention is without merit.<sup>2</sup>

We conclude that the two counts of robbery with the use of a deadly weapon were not impermissibly redundant. On appeal, Elliott concedes that there were two victims. In fact, a review of the trial transcript reveals that a slot machine attendant and store manager were both subject to force and violence by Elliott. This court has affirmed such convictions in the past, holding that evidence of the unlawful taking of an employer's property, by use of force or fear directed at two employees, both of whom were in joint possession and control of the property taken, supports a conviction for two separate counts of robbery.<sup>3</sup> As such, multiple robberies may be charged where, as here, there are multiple victims involved in a single event. In such circumstances, multiple robbery convictions in a single trial do not violate the proscriptions against double jeopardy and are not impermissibly redundant.<sup>4</sup>

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<sup>1</sup>See Rippo v. State, 113 Nev. 1239, 1259, 946 P.2d 1017, 1030 (1997).

<sup>2</sup>See NRS 178.602 ("Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court."); Pray v. State, 114 Nev. 455, 459, 959 P.2d 530, 532 (1998).

<sup>3</sup>See Klein v. State, 105 Nev. 880, 885, 784 P.2d 970, 973-74 (1989); see also NRS 200.380(1) (defining "robbery").

<sup>4</sup>See, e.g., Commonwealth v. Levia, 431 N.E.2d 928, 929-31 (Mass. 1982) (upholding multiple robbery convictions where defendant entered convenience store and forcibly obtained money from cash register operated by one employee and gas pump receipts collected by another employee); People v. Wakeford, 341 N.W.2d 68, 75 (Mich. 1983) (upholding multiple robbery convictions where defendant entered grocery store armed with sawed-off shotgun and took money belonging to store from two employees),

*continued on next page . . .*

Therefore, having considered Elliott's contention and concluded that it is without merit, we

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

Douglas, J.  
Douglas

Becker, J.  
Becker

Parraguirre, J.  
Parraguirre

cc: Hon. Steven R. Kosach, District Judge  
Van Ry Law Offices, LLP  
Robert William Elliott  
Attorney General George Chanos/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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*... continued*

called into doubt on other grounds by People v. Baskin, 378 N.W.2d 535 (Mich. Ct. App. 1985); Commonwealth v. Rozplochi, 561 A.2d 25, 28-30 (Pa. Super. Ct. 1989) (upholding multiple robbery convictions where defendant threatened two employees at financial institution and obtained money from safe).

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