

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENFORD ANTHONY BUDD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46977

FILED

JAN 09 2007

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction and sentence. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

On March 1, 2006, the district court convicted appellant Glenford Anthony Budd, pursuant to a jury verdict, of three counts of first-degree murder with the use of a deadly weapon. The district court sentenced appellant to serve three consecutive terms of life in prison without the possibility of parole for the murders and three consecutive equal terms for the deadly weapon enhancements.

Budd's sole claim on appeal is that there was insufficient evidence to support his convictions. "In reviewing evidence supporting a jury's verdict, this court must determine whether the jury, acting reasonably, could have been convinced beyond a reasonable doubt of the defendant's guilt by the competent evidence."¹ Evidence is sufficient to

¹Braunstein v. State, 118 Nev. 68, 79, 40 P.3d 413, 421 (2002) (citing Wilkins v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980)).

sustain a conviction if, viewed in the light most favorable to the prosecution, "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt."²

At trial, Lazon Jones testified that in the hours before midnight on May 26, 2002, he was present in his apartment with his brother Dajon Jones, Derrick Jones (no relation), Jason Moore, and Budd. Budd left for about 15 minutes to buy a drink, then returned to the apartment, said he needed to use the bathroom, and went into the master bedroom where Dajon Jones was, closing the door behind him. Lazon Jones then heard two gunshots and Budd saying, "Where's my stuff at?" He then heard a third gunshot, at which point he fled the apartment and called 911 from a nearby pay telephone. While waiting for police to respond to his location, he saw Budd run across the street with a gun in his hand. He also testified that only himself, Dajon Jones, Derrick Jones, Jason Moore, and Budd were present when the shots were fired, and that he had seen Budd and Derrick Jones argue about Budd's missing marijuana earlier that day.

Las Vegas Metropolitan Police detectives Patricia Spencer and Michael Wallace were patrolling the apartment complex in a vehicle at the time of the incident. Detective Spencer testified that she heard gunshots, drove toward them, and observed an agitated group of people in front of a

²Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984) (emphasis in original) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

staircase leading up to some apartments. They also saw a young man run past their vehicle in his socks. She and Detective Wallace proceeded up the staircase and found Jason Moore, apparently dead from gunshot wounds, on the landing in front of Lazon Jones's apartment. They found Dajon Jones, also dead from gunshot wounds, in one of the bedrooms. Derrick Jones was lying in the hallway, wounded but alive. He was transported for medical treatment but died later from his wounds.

Celeste Palau testified that she was on her balcony when she heard the sound of what she thought were firecrackers coming from Lazon Jones's apartment. She looked in that direction and saw Lazon and a young woman she knew as Chrissy run down the staircase from the apartment. She then saw Budd exit the front door, linger on the landing while firing a weapon three times, then walk down the staircase and away from the area. She did not see anyone else leave the apartment.

Chrissy Smith testified that she was standing on Lazon Jones's apartment landing talking to Jason Moore when she heard shots. Derrick Jones and Lazon Jones then ran from the apartment. She and Lazon Jones ran down the stairs, but Derrick Jones went back inside the apartment.

Crime scene analysts recovered 11 expended cartridges from a 9-millimeter handgun at the scene as well as bullets and bullet fragments. All the cartridges were determined to have been fired by the same weapon. The bullets were also for a 9-millimeter, but analysts could not determine whether they were fired by the same weapon. The murder weapon was never recovered.

The medical examiner testified that Jason Moore sustained three gunshot wounds, one to the back of the head, one to the right neck, and one to the back of the right shoulder. Dajon Jones had two gunshot wounds to the left neck, one fired from about 24 inches away. Derrick Jones had seven gunshot wounds, including wounds to the forehead, ear, back of the left shoulder, right upper back, right hand, and back of the left arm. Four of the shots were fired from behind the victim. All of the victims' blood contained traces of marijuana and no trace of alcohol.

The preliminary hearing testimony of Budd's uncle, Winston Budd, was read into the record. Winston Budd testified that during the two days after the killings, before Budd was arrested, Budd called him and asked him to pick him up from a friend's house and to get some money for him so he could "get out of here." When Winston Budd picked Budd up, he noticed that Budd had cut his hair. Budd also told him that he suspected the victims had robbed him of some marijuana and he had shot them. Winston Budd testified that Budd said he had given the gun back to a friend, but did not name the friend. He advised Budd to turn himself in, but Budd said he "preferred to run."

Greg Lewis, who knew Budd before the killings, was in the same jail housing unit as Budd after Budd's arrest. Lewis testified that Budd told him he shot three people but a fourth had gotten away. Lewis notified homicide detectives of this information. Several days later, he also gave detectives a letter he had received from Budd in which Budd implicated himself in the killings. Lewis and a detective testified that no promises were made to Lewis to obtain his information or testimony, but

the jury was informed that an assistant district attorney wrote a letter to the parole board noting Lewis's cooperation in the investigation.

The detective who questioned Budd after his arrest testified that Budd said he had been in the apartment but fled with Lazon Jones after he heard shots.

Budd argues the evidence supporting his convictions was insufficient because Lazon Jones did not actually see him shoot anyone and because the witnesses were not credible. He claims that Lazon Jones, Celeste Palau, and Chrissy Smith gave differing testimony about the facts. In particular, he notes that Lazon Jones never mentioned Chrissy Smith and claimed the men were drinking alcohol but not smoking marijuana before the killings, whereas the victims' blood revealed traces of marijuana but not alcohol. Budd also notes that Celeste Palau's balcony was more than 200 feet from the scene of the crime, that Greg Lewis wanted help in obtaining parole, and that Winston Budd was not present in court.³

"[C]ircumstantial evidence alone may support a conviction."⁴ In this case, from the direct and circumstantial evidence presented, the jury could reasonably have inferred from the testimony presented that Budd was guilty of three first-degree murders with the use of a deadly


³At the time of trial, Winston Budd resided outside the country. The district court allowed his preliminary hearing testimony to be read into the record over a defense objection after the State detailed its fruitless efforts to secure his presence at trial.

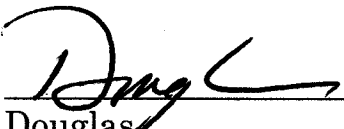
⁴Hernandez v. State, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002).

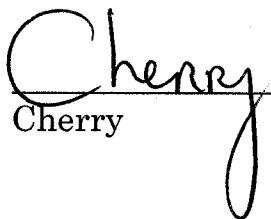
weapon. It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.⁵

Having reviewed Budd's contentions and concluded they are without merit, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Eighth Judicial District Court, Department Eighteen
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).