

IN THE SUPREME COURT OF THE STATE OF NEVADA

JARVIS LOWE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49906

**FILED**

JUN 13 2008

TRACIE LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of pandering of a child and living from the earnings of a prostitute. Eighth Judicial District Court, Clark County; David B. Barker, Judge. The district court sentenced appellant Jarvis Lowe to concurrent prison terms of 24 to 60 months for the pandering count and 12 to 36 months for the living from the earnings of a prostitute count.

Lowe contends that there was insufficient corroborating evidence to support the pandering charge. Specifically, citing to Sheriff v. Gordon<sup>1</sup> and Sheriff v. Horner,<sup>2</sup> Lowe contends that this court has held that a pandering conviction will not stand if supported only by the uncorroborated testimony of the prostitute-victim. We disagree.

Prior to 2005, NRS 175.301 required corroboration of the prostitute-victim's testimony.

<sup>1</sup>96 Nev. 205, 606 P.2d 533 (1980).

<sup>2</sup>96 Nev. 312, 608 P.2d 1106 (1980).

Upon a trial . . . for inveigling, enticing or taking away any person for the purpose of prostitution, or aiding or assisting therein, the defendant must not be convicted upon the testimony of the person upon or with whom the offense has allegedly been committed, unless:

1. The testimony of that person is corroborated by other evidence.<sup>3</sup>

In 2005, NRS 175.301 was amended to eliminate prostitution from the statute. Further, the holdings in both Gordon and Horner were based on the language under former NRS 175.301.<sup>4</sup> Thus, corroboration is no longer required when the pandering victim testifies, as in this case. Therefore, the prosecution was not required to present corroborating evidence pursuant to NRS 175.301.

Lowe alternatively argues that corroborating evidence was required because the child victim in this case was an accomplice pursuant to NRS 175.291. We disagree.

NRS 175.291(1) requires corroboration of an accomplice's testimony.

A conviction shall not be had on the testimony of an accomplice unless he is corroborated by other evidence which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense.

---

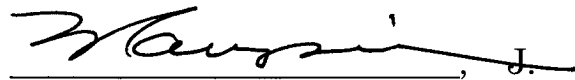
<sup>3</sup>1979 Nev. Stat., ch. 204, § 1, at 302, amended by 1981 Nev. Stat., ch. 504, § 1, at 1029, and 2005 Nev. Stat., ch. 113, § 1, at 308.

<sup>4</sup>Gordon, 96 Nev. 205, 606 P.2d 533; Horner, 96 Nev. 312, 608 P.2d 1106.

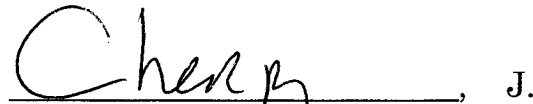
The child victim was not an accomplice under the statute because she was never charged, and could not be charged, with pandering.<sup>5</sup> Thus, corroborating evidence was not required pursuant to an accomplice theory under to NRS 175.291.

Having considered Lowe's contentions and determined that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

cc: Hon. David B. Barker, District Judge  
Amesbury & Schutt  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

---

<sup>5</sup>See NRS 175.291(2); Globensky v. State, 96 Nev. 113, 117, 605 P.2d 215, 218 (1980) (holding that NRS 175.291 "has no application" where the witness in question has not been charged with the same offense as the defendant).