

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFERY RANDALL SIMS A/K/A
COREY DWAYNE LESTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52694

FILED

APR 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon and robbery. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. Appellant Jeffrey Sims raises three claims of error.

First, Sims claims that the district court erred by denying a motion to sever the two charged counts. However, because the two crimes were sufficiently "connected together," see NRS 173.115(2), we conclude that the district court did not abuse its discretion. See Zana v. State, 125 Nev. ___, ___, 216 P.3d 244, 249 (2009).

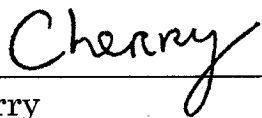
Second, Sims claims that the district court erred by admitting four photographs of the victim's body at the crime scene. Because the risk of undue prejudice did not substantially outweigh the probative value of the photographs, see NRS 48.035(1), we conclude that the district court did not abuse its discretion in admitting them. See West v. State, 119 Nev. 410, 420, 75 P.3d 808, 815 (2003).

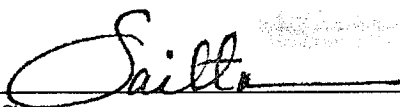
Finally, Sims claims that there is insufficient evidence to support his conviction for first-degree murder under either of the charged


alternative theories of premeditation or felony murder. At trial, he stipulated that he killed the victim by striking her in the head with a weight bar but denied that he intended to kill her. However, in addition to evidence showing that Sims brought the murder weapon into the victim's office from outside in the courtyard, the victim suffered a minimum of 12 separate blows to the head with sufficient force to tear off part of her ear and cause numerous skull fractures. We conclude that this evidence was sufficient for a rational juror to find beyond a reasonable doubt that Sims was guilty of premeditated and deliberate first-degree murder. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992); NRS 200.030(1)(a). Furthermore, there is overwhelming evidence of felony murder. Sims testified that after the victim saw him take money from her purse, he struck her with the weight bar to prevent her from calling the police. See NRS 200.030(1)(b); NRS 200.380.

Having considered Sims' claims and concluded that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Edward T. Reed
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk