IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYNEISHA JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54659

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of burglary and conspiracy to commit larceny. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

California search warrant

Appellant Rayneisha Jones contends that the admission of wire intercepts at trial violated her Fourth Amendment rights under the United States Constitution because the warrants for the wire intercepts were issued out of California, not Nevada.

The decision to admit or exclude evidence will not be disturbed absent an abuse of discretion. Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). We conclude that in this case, the wire intercepts were admissible because they were lawfully recorded in California, and California law enforcement did not obtain the wire intercepts as an agent of Nevada law enforcement. See NRS 48.077 (allowing the admission of "the contents of any communication lawfully intercepted under the laws of . . . another jurisdiction"); Mclellan, 124 Nev. at 267-68, 182 P.3d at 109-110 (allowing the admission of taped recordings from California because

the recordings were lawfully recorded in California, and California law enforcement did not act as agents of Nevada law enforcement); State v. Fowler, 139 P.3d 342, 347 (Wash. 2006) (holding that telephone calls recorded in Oregon were admissible because the calls were lawfully recorded in Oregon, and they "were not done at the request of, with the involvement of, or as agents of Washington law enforcement officials").

Insufficient evidence

Jones contends that the evidence presented at trial was insufficient to support her convictions because the State failed to establish that Jones was aware that a crime was "transpiring," and that there was evidence to the contrary—that Jones "believed she was just helping her friend move items."

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. Jackson v. Virginia, 443 U.S. 307, 319 (1979); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). The jury heard testimony from various law enforcement officials that (a) wire intercepts revealed that a co-defendant was told to bring a van because the "items were large;" (b) during the early morning hours, the van—driven by Jones, with two co-defendants as passengers—pulled up to various businesses for a brief period of time; (c) wire intercepts between the co-defendants revealed that they aborted burglarizing the first two establishments, in part because one of the co-defendants saw a helicopter; and (d) the van pulled up to a third business, which was burglarized by a co-defendant. The jury could reasonably infer from the evidence presented that Jones aided and abetted her co-defendants in the burglary, and thus was a principal to the burglary, and conspired with her co-defendants to commit

larceny. See NRS 195.020 (defining principal); NRS 205.060(1) (defining burglary); NRS 205.220 (defining grand larceny); NRS 199.480(3)(a) (conspiracy); Bolden v. State, 121 Nev. 908, 912-13, 124 P.3d 191, 194 (2005) (a conspiracy occurs when two or more people agree to work towards an unlawful objective), overruled on other grounds by Cortinas v. State, 124 Nev. ____, 195 P.3d 315 (2008), cert. denied, 558 U.S. ___, 130 S. Ct. 416 (2009); see also Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003) (circumstantial evidence is enough to support a conviction). 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. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); Walker v. State, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975).

Having considered Jones' contentions and concluded that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Eighth Judicial District Court Dept. 8, District Judge
Robert E. Glennen III
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk