

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES LEONARD LANE, III A/K/A
CHARLES LEONARD LANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54952

FILED

JUL 15 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 conspiracy to commit robbery, burglary while in possession of a deadly weapon, attempted robbery with the use of a deadly weapon, attempted murder with the use of a deadly weapon, battery with intent to commit a crime, and battery with a deadly weapon with substantial bodily harm. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Appellant Charles Leonard Lane, III, claims that insufficient evidence supports his convictions because the State failed to establish more than his mere presence and because his codefendant testified that they did not conspire to rob the victim.¹ This claim lacks merit because

¹We note that appellant's appendix is inadequate because it does not contain any of the documents required pursuant to NRAP 30(b)(2). Respondent, however, has provided the necessary documents for this court's review. We caution appellant's counsel that future failure to file

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the evidence, when viewed in the light most favorable to the State, is sufficient 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).

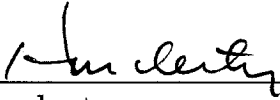
The jury was shown a surveillance video that depicted two men sitting at a slot bank. Lane and Kartar Singh were positively identified as the men depicted in the video. Lane repeatedly looked over toward where the victim was sitting playing blackjack. When the victim walked to the bathroom, Lane and Singh followed the victim into the bathroom. The victim testified that when he was about to wash his hands two men entered the bathroom, pushed him, and asked for his money. When he told them he did not have any money, one of the men stabbed him. The men ran away and the victim followed. When the victim got to the bathroom door, he yelled that he had just been stabbed and someone tried to rob him and he pointed at the men who did this. The surveillance video showed Lane and Singh quickly leaving the bathroom, followed by the victim who was bent over and pointing. Although Lane and Singh left the bathroom heading in opposite directions, surveillance footage showed both men leaving the casino together along with a female. Additional surveillance footage also depicted Lane, Singh, and the female arriving at

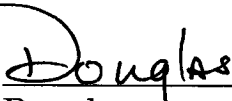
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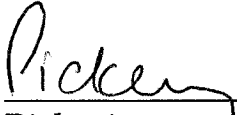
adequate appendices with this court may result in the imposition of sanctions. See NRAP 3C(n).

the casino together. The victim sustained a life-threatening stab wound to the chest just below the heart. Singh testified that he and Lane followed the victim into the bathroom because he wanted to rob the victim. Singh further testified, however, that he and Lane went into the bathroom in order to conduct a drug transaction. Although Singh admitted that he stabbed the victim and testified that Lane did not conspire to commit the robbery with him and Lane did not take part in the robbery, 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). We conclude that the evidence was sufficient to support the convictions. See NRS 199.480(1) (conspiracy); NRS 200.380(1) (robbery); NRS 205.060(1), (4) (burglary); NRS 193.330(1) (attempt); NRS 193.165(1) (use of a deadly weapon); NRS 200.010 (murder); NRS 200.400(1)(a) (battery with intent to commit a crime); NRS 200.481(1)(a), (2)(e)(2) (battery with a deadly weapon with substantial bodily harm). We therefore

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Kenneth C. Cory, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk