

IN THE SUPREME COURT OF THE STATE OF NEVADA

IVAN MICHEL DOMINGUEZ A/K/A
ARMANDO TORRESNAVA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55699

FILED

DEC 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. O'Grady
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of conspiracy to commit murder, conspiracy to commit a crime (burglary), and first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. Appellant Ivan Dominguez raises three issues.

First, Dominguez argues that his murder conviction must be reversed because the victim died of intervening medical error, not of the stab wounds that placed him in the hospital. We reject this contention. The victim reported in his 9-1-1 call that he had been attacked by a group of individuals who were waiting for him inside when he returned home. Dominguez, whose fingerprint was found at the scene, admitted to being part of that group and to hitting the victim, though he asserted that another individual in the group stabbed him. A medical examiner testified that though the victim died following exploratory surgery, his cause and manner of death were homicide due to multiple stab wounds. We conclude that because these injuries were a "substantial factor" in the victim's

death, Dominguez cannot escape liability for murder. Lay v. State, 110 Nev. 1189, 1192-93, 886 P.2d 448, 450 (1994).

Second, Dominguez claims that his conviction for conspiracy to commit burglary must be reversed because it is inconsistent with the jury's verdict acquitting him of burglary. An inconsistent verdict is permitted as long as it is supported by sufficient evidence. Greene v. State, 113 Nev. 157, 173-74, 931 P.2d 54, 64 (1997), receded from on other grounds by Byford v. State, 116 Nev. 215, 235, 994 P.2d 700, 713 (2000). At trial, overwhelming evidence was adduced demonstrating a conspiracy to murder the victim between the victim's girlfriend and Dominguez's brother Demian. Dominguez admitted to driving to the victim's house with Demian, waiting for the victim, entering the victim's house and hitting the victim. The fingerprint evidence and the victim's statements corroborate his admissions. Therefore, a rational juror could have concluded beyond a reasonable doubt that Dominguez conspired to enter the victim's house with the intent to commit a felony. See Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); Jackson v. Virginia, 443 U.S. 307, 319 (1979); NRS 199.480; NRS 205.060; see also Doyle v. State, 112 Nev. 879, 894, 921 P.2d 901, 911 (1996) (stating that defendant "who knowingly does any act to further the object of a conspiracy . . . is criminally liable as a conspirator"), overruled on other grounds by Kaczmarek v. State, 120 Nev. 314, 91 P.3d 16 (2004).

Third, Dominguez asserts that the district court abused its discretion in imposing consecutive sentences, where his brother received concurrent sentences. Because there is no legal requirement that co-conspirators receive identical punishment, we conclude that the district court did not abuse its discretion. See Allred v. State, 120 Nev. 410, 420,

92 P.3d 1246, 1253 (2004); Nobles v. Warden, 106 Nev. 67, 68, 787 P.2d 390, 391 (1990).

Having considered Dominguez's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Attorney General/Carson City
Clark County District Attorney
Wentworth Law Office
Eighth District Court Clerk