

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY LAMENDOLA A/K/A  
JEFFREY MICHAEL LAMENDOLA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58103

**FILED**

APR 11 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of robbery and first-degree kidnapping with the use of a deadly weapon, conspiracy to commit robbery, burglary while in possession of a deadly weapon, and battery with substantial bodily harm. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant Jeffrey Lamendola challenges his kidnapping conviction and argues that it should be reversed because it was incidental to the robbery of the victim. We disagree. The victim was confronted at his door by one of Lamendola's conspirators. The victim was pushed into the hallway and onto the floor while being hit and kicked by Lamendola and the other conspirators. The victim, bleeding profusely, asked, "You guys have everything, what do you want?" To which Lamendola answered, "I want to kill you." The conspirators then duct-taped the victim's mouth and legs and attempted to restrain his hands. After duct-taping the victim, the conspirators continued ransacking the home. The district court properly instructed the jury on the elements required for dual convictions involving kidnapping, see Mendoza v. State, 122 Nev. 267, 275-76, 130 P.3d 176, 181 (2006), and we conclude that a rational trier of fact could

have found the essential elements of kidnapping beyond a reasonable doubt, see Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984) (setting forth the standard of review for sufficiency of the evidence claims); Mendoza, 122 Nev. at 274-75, 130 P.3d at 180 (dual convictions are acceptable when the restraint substantially increases the risk of harm to the victim above that necessarily present in the associated offense).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Valerie Adair, District Judge  
Law Office of Jeannie N. Hua, Inc.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk