

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLIFF STEVENSON JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58344

FILED

APR 12 2012

TRAGIE K. LINDEMAN  
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BY *Angela*  
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ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of burglary in violation of a court order and one count of burglary. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge. Appellant Cliff Stevenson Jackson raises five errors<sup>1</sup> on appeal.

First, Jackson contends that there was insufficient evidence to support his convictions. We review the evidence in the light most favorable to the prosecution and determine whether any rational juror could have found the essential elements of the crimes beyond a reasonable doubt. McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Here, the victim testified that Jackson forcibly entered her apartment carrying two eight-inch kitchen knives. Jackson brandished the weapons and ordered the victim out of the apartment and into her vehicle. The victim

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<sup>1</sup>To the extent that Jackson challenges the adequacy of the information, he has not shown prejudice. See Koza v. State, 104 Nev. 262, 264, 756 P.2d 1184, 1186 (1988); see also Laney v. State, 86 Nev. 173, 178, 466 P.2d 666, 670 (1970).

testified that when they arrived at a grocery store Jackson placed one of the knives in his waistband and walked her to the ATM inside the store where she deposited a check and handed him one hundred dollars. After they got back into the vehicle, the victim testified that Jackson told her that he was going to sexually assault her, kill her, and leave her in the desert. The victim testified that Jackson later held a knife against her chest and threatened her after she rolled down the vehicle's window. We conclude that a rational juror could infer from these circumstances that Jackson entered the victim's apartment with the intent to commit assault, entered the grocery store with the intent to extort, and entered the victim's vehicle with the intent to commit assault, battery, sexual assault, or murder. See NRS 205.060(1); NRS 200.471(1)(a); NRS 205.320(2); NRS 200.481(1)(a); NRS 200.366(1); NRS 200.010; NRS 33.100;<sup>2</sup> see also Moore v. State, 122 Nev. 27, 36, 126 P.3d 508, 513 (2006) (explaining that intent "may be inferred from the conduct of the parties and the other facts and circumstances"); McNair, 108 Nev. at 56, 825 P.2d at 573 ("[I]t is the jury's function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses.").

Second, Jackson contends that the district court abused its discretion by failing to hold a hearing and allowing the State to present uncharged bad acts evidence related to Jackson's intent to purchase narcotics on the night of the crimes. We disagree. A hearing was held outside the presence of the jury before opening statements. The district court determined that the evidence was relevant for the non-propensity

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<sup>2</sup>The parties stipulated that there was a Temporary Protective Order issued against Jackson.

purpose of showing Jackson's motive for forcing the victim to deposit a check and withdraw one hundred dollars, the intent to purchase was proven by clear and convincing evidence, and the probative value of the evidence was not substantially outweighed by the danger of unfair prejudice. See NRS 48.045(2); Bigpond v. State, 127 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (Adv. Op. No. 10, March 1, 2012). Furthermore, to minimize the prejudice, the district court prohibited the victim from testifying about Jackson's prior drug use and issued an appropriate limiting instruction before the evidence was presented to the jury. We therefore conclude that the district court did not abuse its discretion. Bigpond, 127 Nev. at \_\_\_, \_\_\_ P.3d at \_\_\_.

Third, Jackson contends that the district court abused its discretion by denying his motion for a mistrial after a police officer testified that the dispatcher already knew Jackson's name from previous calls. We disagree. Jackson was not entitled to a mistrial because any prejudice stemming from the officer's unsolicited statement was adequately cured by the district court's prompt admonishment to the jury to disregard the remark. Ledbetter v. State, 122 Nev. 252, 264-65, 129 P.3d 671, 680 (2006).

Fourth, Jackson contends that he was denied the right to a fair trial when the district court prevented him from admitting the victim's bank records which covered a period of time several days after the crime. The district court determined that this evidence was marginally relevant and significantly more prejudicial than probative. We conclude that the district court's decision to exclude this evidence was not manifest error. See NRS 48.035(1); Brown v. State, 107 Nev. 164, 167, 807 P.2d 1379, 1381 (1991) ("[T]he accused . . . must comply with established rules

of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence” (internal quotations omitted)); Collman v. State, 116 Nev. 687, 702, 7 P.3d 426, 436 (2000) (explaining that we will not overturn district court’s decision to exclude evidence absent manifest error).

Fifth, Jackson contends that cumulative error warrants reversal of his convictions. Because there was no error, and thus no error to cumulate, we conclude that no relief is warranted.

Having considered Jackson’s contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Jennifer P. Togliatti, District Judge  
Law Offices of Cynthia Dustin, LLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk