

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN CARLOS SANCHEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59428

FILED

OCT 08 2012

TRANCE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of second-degree murder with the use of a deadly weapon. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

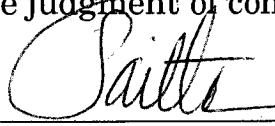
The night of May 7, 2010, Andrew Palmer was attacked by five juveniles. Andrew died shortly thereafter. At trial, Brandon Diaz, Dillan Diaz, and Mark Robles, three of the five boys who attacked Andrew, testified that Appellant Juan Carlos Sanchez confessed that he had stabbed Andrew during the attack. Sanchez argues that the other boys were accomplices to Palmer's murder and therefore their testimony cannot be considered as evidence against him because no other evidence connects him to the crime. The State responds that the other boys had no intent to kill Andrew or to aid Sanchez in the killing and therefore are not accomplices.


Nevada prohibits the conviction of a defendant based solely on the testimony of an accomplice. NRS 175.291(1). An accomplice's testimony must be "corroborated by other evidence which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense." Id. For the purposes of the statute, an accomplice is defined as one liable to prosecution for the

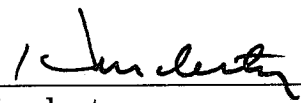
identical offense charged against the defendant, or who is “culpably implicated in, or unlawfully cooperates, aids or abets in the commission of the crime charged.” Orfield v. State, 105 Nev. 107, 109, 771 P.2d 148, 149 (1989).

Even assuming that the boys were accomplices, other evidence connects Sanchez to the murder. Elizabeth Diaz’s preliminary hearing testimony was presented and in it she stated that Sanchez confessed to stabbing Andrew during the attack. Brandon Chavez testified that Brandon Diaz bragged to him that Sanchez stabbed someone and Sanchez nodded his head affirmatively. Chavez also testified that he saw Sanchez holding the knife and alternated between saying that Sanchez cleaned the knife and Brandon Diaz cleaned the knife. We conclude that this testimony was sufficient to corroborate the testimony of Brandon Diaz, Dillan Diaz, and Mark Robles. Heglemeier v. State, 111 Nev. 1244, 1250, 903 P.2d 799, 803 (1995) (corroborative evidence “need not in itself be sufficient to establish guilt’ – ‘it will satisfy the statute if it merely tends to connect the accused to the offense.” (quoting Cheatham v. State, 104 Nev. 500, 504-05, 761 P.2d 419, 422 (1988))). Having considered Sanchez’ argument and concluded that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Brent T. Adams, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk