

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOMINIQUE PALOMBO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59676

**FILED**

SEP 13 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malmé  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of conspiracy to commit robbery, robbery, conspiracy to commit kidnapping, and first degree kidnapping. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Appellant Dominique Palombo contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Wilkins v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980); see also Jackson v. Virginia, 443 U.S. 307, 319 (1979); Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998). Here, the victim testified that he met Palombo and another woman at a casino. At the women's suggestion, the three of them left the casino. Shortly after they left, a white SUV forced them to stop. Then Palombo, the SUV driver, and the other woman robbed the victim. Palombo held the victim's hands

down and took his cell phone. The driver of the SUV restrained the victim while the other woman took the victim's cash. We conclude that there is enough evidence to support the conspiracy, kidnapping, and robbery convictions. See NRS 199.480(1); NRS 200.310(1); NRS 200.380(1). 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); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

Palombo also argues that the district court erred by admitting statements she made to the police because she was not informed of her Miranda<sup>1</sup> rights before she was subjected to a custodial interrogation. We conclude that the district court did not err in admitting the evidence because Palombo failed to show that she was in custody during the interview. See Avery v. State, 122 Nev. 278, 286-87, 129 P.3d 664, 670 (2006) (noting that district court's determination of custody and voluntariness is reviewed de novo and setting forth considerations for determining custody). Palombo was questioned in her apartment after inviting Officer William Moore in. She agreed to be interviewed and was not handcuffed or restrained during the questioning. And Palombo was

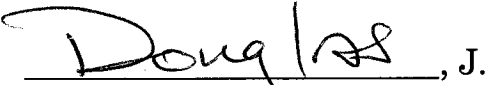
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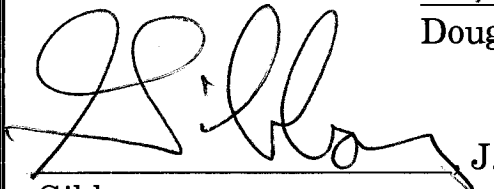
<sup>1</sup>Miranda v. Arizona, 384 U.S. 436 (1966).

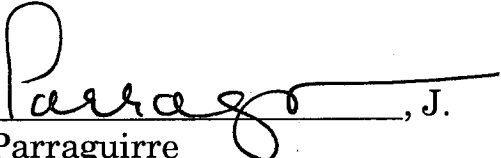
not the focus of the investigation because Moore was unsure how she was connected to the robbery until after the interview.

Having considered Palombo's contentions and concluded that they lack merit we,

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Linda Marie Bell, District Judge  
Ornoz & Ericsson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk