

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MONIQUE LYNNE BANKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66965

FILED

AUG 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of home invasion and conspiracy to commit home invasion. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


Appellant Monique Lynne Banks claims insufficient evidence supports her conviction for conspiracy because the State failed to prove she and her accomplice agreed to commit home invasion. We review the evidence in the light most favorable to the prosecution and determine whether a "rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).


The jury heard testimony that Joshua Espinoza and Banks went to the victims' home together. Espinoza kicked open the door, and he and Banks entered the home together. Shortly after entering the home, they were detained by the victims and arrested by the police. Banks testified she banged on the victims' door, Espinoza kicked the door, and Espinoza was able to kick the door open "with [her] help of banging."


We conclude a rational juror could reasonably infer from this testimony that Espinoza and Banks conspired to forcibly enter the home

without the homeowner's permission. See NRS 199.480(3); NRS 205.067(1); *Thomas v. State*, 114 Nev. 1127, 1143, 967 P.2d 1111, 1122 (1998) ("Conspiracy is seldom susceptible of direct proof and is usually established by inference from the conduct of the parties. Therefore, if a coordinated series of acts furthering the underlying offense is sufficient to infer the existence of an agreement, then sufficient evidence exists to support a conspiracy conviction." (internal quotation marks and citations omitted)). 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 its verdict. See *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk