

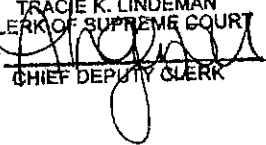
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMY DAVID NAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69571

FILED

JUL 27 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

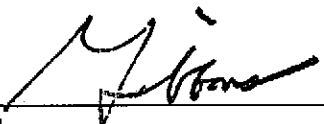
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of conspiracy to commit robbery and robbery, victim 60 years of age or older. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


Appellant Jeremy David Naylor claims the district court abused its discretion by refusing to instruct the jury on larceny as a lesser-included offense of robbery.

We conclude the district court did not abuse its discretion. Robbery is a general intent crime that requires an element of force or intimidation in taking property from a person or taking property in the presence of a person, whereas larceny is a specific intent crime that does not require force or the presence of the person. *Compare* NRS 200.380 *with* NRS 205.220. Thus, as Naylor's counsel acknowledged at trial, larceny is not a lesser-included offense of robbery. *See Barton v. State*, 117 Nev. 686, 694, 30 P.3d 1103, 1108 (2001) ("an offense is not a lesser included offense unless the elements of the lesser offense are an entirely included subset of the elements of the charged offense"), *overruled on other grounds by Rosas v. State*, 122 Nev. 1258, 147 P.3d 1101 (2006).

Additionally, a defendant is not entitled to an instruction for a lesser-related offense. See *Peck v. State*, 116 Nev. 840, 845, 7 P.3d 470, 473 (2000), *overruled on other grounds by Rosas*, 122 Nev. 1258, 147 P.3d 1101. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Carolyn Ellsworth, District Judge
Law Office of Benjamin Nadig, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk