


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JECORY ELES KEMP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83383-COA

FILED

MAY 13 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jecory Eles Kemp appeals from a judgment of conviction entered pursuant to a jury verdict, of conspiracy to commit robbery, murder with the use of a deadly weapon, first degree kidnapping with the use of a deadly weapon resulting in substantial bodily harm, and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Kemp claims that insufficient evidence supports his conviction for conspiracy to commit robbery and, as a result, his culpability for murder under the felony murder rule. Kemp claims the only evidence the State provided at trial to connect him to the crime was that Kemp opened the door to allow the victim into his apartment.¹

¹Kemp's issue statement in his opening brief on appeal also claims that insufficient evidence supports his other convictions. However, Kemp does not provide any argument regarding these issues, and we thus decline to address them. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").

When reviewing a challenge to the sufficiency of the evidence, 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 crime beyond a reasonable doubt.” *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). “Conspiracy is an agreement between two or more persons for an unlawful purpose.” *Thomas v. State*, 114 Nev. 1127, 1143, 967 P.2d 1111, 1122 (1998). Sufficient evidence supports a conspiracy conviction “if a coordinated series of acts furthering the underlying offense is sufficient to infer the existence of an agreement.” *Id.* (internal quotation marks omitted). While mere presence at the crime scene cannot support the inference that one is a party to an offense, one’s presence, companionship, and conduct before, during, and after the crime may support such an inference. *Walker v. State*, 113 Nev. 853, 869, 944 P.2d 762, 773 (1997). 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 substantial evidence supports the verdict. *See Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

At trial, Kemp’s girlfriend testified that Kemp and two other men² were parties to conversations wherein a plan was formed to rob the victim of marijuana. The victim was to come inside Kemp’s apartment, they would talk for a bit, and then two men would come out of the bedroom and take the victim’s marijuana. Kemp took the stand in his own defense and testified that while he was present during a conversation about robbing the victim, he did not speak but just sat there and listened while the plan was

²One of the men was Kemp’s housemate and partner in their marijuana business.

formed. Kemp thought the robbery was going to be a "small little robbery" and did not expect the victim would be shot. Kemp explained,

Because, like I said, with the fact that we had Sayso and his brother hiding out in the room and me and Payso was sitting in the front, Payso was going to talk to [the victim] about the weed and Sayso and his brother was supposed to come out, and I was figuring that they was supposed to just come and snatch up the weed and kind of push him out or whatever or anything, but, no, no guns period.

When the victim arrived at the apartment, Kemp opened the door knowing the victim was about to be robbed. After one of Kemp's codefendants shot the victim to death, Kemp helped clean the crime scene and move the victim's vehicle and body to California.

Based on the evidence presented at trial, we conclude a rational juror could reasonably infer that Kemp conspired to rob the victim. See NRS 199.490 (providing that no overt act is required to prove conspiracy); NRS 200.380 (defining robbery). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Michael Villani, District Judge
Mayfield, Gruber & Sanft/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk