

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES BENJIMINE VAUGHN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86895-COA

FILED

AUG 23 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

James Benjimine Vaughn appeals from a judgment of conviction, pursuant to a jury verdict, of one count of murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

The State charged Vaughn with murder with the use of a deadly weapon in connection with the stabbing death of Benjamin Orleans, whose body was discovered in a Las Vegas homeless encampment along with a white bicycle.¹ Both men were unhoused individuals who resided in the encampment. At trial, several other individuals who lived in the encampment testified regarding the circumstances leading up to Orleans's death.

First, Matthew Martinez testified that he was aware of a dispute between Vaughn and Orleans regarding a bicycle that Orleans allegedly took from Vaughn, and which Vaughn subsequently took back from Orleans. Vaughn showed Martinez the bicycle, which Vaughn had spray painted white, and told Martinez he would do "whatever it took to keep" the bicycle from Orleans. Martinez testified that on the morning of Orleans's murder, Vaughn was irate and had grabbed a large butcher knife with a widened tip

¹We recount the facts only as necessary for our disposition.

and wooden handle from Martinez's tent. When Martinez told Vaughn he could not take the knife, Vaughn responded, "I need to use it. I have some unfinished business to take care of," and then rode off on a bicycle.

Next, Kevin Johnson testified that on the evening of the murder, Vaughn approached him pushing two bicycles. Johnson described Vaughn as "really amped up" and testified that Vaughn told him Orleans had "pressed" him the night before. In response, Johnson told Vaughn to take the bicycles to Johnson's tent, where he would listen to Vaughn's explanation of the situation. Vaughn left for Johnson's tent, which was near the location where Orleans was stabbed. Johnson further testified that a few minutes after Vaughn left for his tent, he saw Vaughn riding away on a bicycle like a "bat out of hell." When shown a photo of the crime scene at trial, Johnson identified the white bicycle left near Orleans's body as one of the two bicycles that Vaughn had earlier that evening.

James Wade, who was present during the stabbing and called 9-1-1, also testified. Wade testified that on the night of the murder, he saw Orleans pulling a wagon with a damaged wheel near Johnson's tent. Wade bent over to fix the wagon wheel for Orleans, which put Orleans slightly out of his line of sight; he then heard a "little bit of ruckus" and saw Orleans hit the ground. Wade further testified that a man matching Vaughn's physical description had stabbed Orleans in a downward motion before taking off running. Wade clarified, however, that he did not see the assailant's face.

Bridgette Garrison, who lived about 30 yards away from Johnson's tent, testified next. According to Garrison, on the evening of the murder, she "heard a little bit of commotion" before looking toward the noise and seeing a body on the ground. She then saw Vaughn running toward her from the direction of the body while carrying a knife that resembled a "mini sword." Garrison testified that Vaughn admitted to killing Orleans. She

further testified that when she heard helicopters and sirens, she told Vaughn to leave, then grabbed the knife with a rag and placed it in a drink cooler. After talking to law enforcement, Garrison had a friend dispose of the knife. Later that night, Garrison saw Vaughn again and testified that Vaughn was bragging to people that he had killed Orleans. On cross-examination, Garrison acknowledged that she did not see Orleans get stabbed.

Lastly, Dr. Lisa Gavin, who performed Orleans's autopsy, testified that Orleans had two injuries on his upper right chest, a large gaping wound and a small abrasion, and that the large wound caused his death. Dr. Gavin said that the large "sharp force injury" indicated that Orleans was stabbed through his heart and rib bone, which required a large blade. She testified that the wound also indicated the weapon used had one sharp end and one blunt end. Dr. Gavin further noted that the smaller abrasion could have been related to a sort of base at the end of a weapon.

The jury found Vaughn guilty of first-degree murder with the use of a deadly weapon. He was sentenced to a term 20 years to life in prison for murder and a consecutive 4 to 10 years for the use of a deadly weapon enhancement. Vaughn timely appealed and now argues that substantial evidence did not support his conviction because the testimony of Garrison, "an unindicted self-confessed accomplice," was the only evidence identifying Vaughn as Orleans's assailant. We disagree.

A conviction may not rest solely on the testimony of an accomplice unless that testimony "is 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."² NRS 175.291(1);

²The State does not dispute Vaughn's argument that Garrison was, in fact, an accomplice. See NRS 175.291(2) (defining an accomplice as "one who

Heglemeier v. State, 111 Nev. 1244, 1250, 903 P.2d 799, 803 (1995) (holding that corroborative evidence “must independently connect the defendant with the offense”). Corroborative evidence need not be sufficient standing alone to establish guilt; “it will satisfy the statute if it merely tends to connect the accused to the offense.” *Cheatham v. State*, 104 Nev. 500, 504-05, 761 P.2d 419, 422 (1988). However, corroborative evidence is an insufficient basis for a conviction if it “merely casts a grave suspicion upon the accused.” *Austin v. State*, 87 Nev. 578, 585, 491 P.2d 724, 728 (1971) (internal quotation marks omitted).

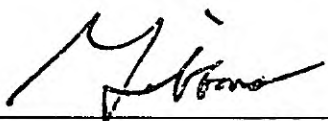
In this case, Garrison’s testimony, including her identification of Vaughn, was corroborated by ample independent evidence connecting Vaughn with Orleans’s murder. Martinez testified that Vaughn had an ongoing dispute with Orleans over a bicycle; Vaughn said he would do “whatever it took to keep” the bicycle from Orleans; and Vaughn had taken a long knife with a wooden end on the day of the murder. Dr. Gavin testified that Orleans died from a fatal stab wound from a large blade, possibly with a blunt base. Further, Johnson connected Vaughn to the crime by testifying that, just before the murder, Vaughn expressed being upset with Orleans; Johnson identified the white bicycle left at the crime scene as one of the two that Vaughn had that evening; and Johnson saw Vaughn fleeing from the direction of his tent on a bicycle. Finally, Wade’s eyewitness description of

is liable to the prosecution, for the identical offense charged against the defendant on trial in the cause in which the testimony of the accomplice is given”). Although we doubt that Garrison qualifies as an accomplice under these facts, we need not reach this issue given our conclusion that Garrison’s testimony was sufficiently corroborated. *See Johnson v. Dir., Nev. Dep’t of Prisons*, 105 Nev. 314, 315 n.1, 774 P.2d 1047, 1048 n.1 (1989) (declining to resolve an issue in light of the court’s disposition).

the assailant matched Vaughn's physical appearance. *Cf. Heglemeier*, 111 Nev. at 1251, 903 P.2d at 804 (noting that an eyewitness's description of the suspect, which matched the defendant, was independent corroborative evidence).

This evidence, viewed independently and in its entirety, provides a basis to identify Vaughn as Orleans's assailant. *See State v. Streeter*, 20 Nev. 403, 406, 22 P. 758, 759 (1889) ("If the jury [is] satisfied with the weight of the corroborating circumstances, it is enough."). Therefore, Garrison's testimony was sufficiently corroborated under NRS 175.291(1), notwithstanding that no other witnesses directly accused Vaughn by name. *Cf. Heglemeier*, 111 Nev. at 1250, 903 P.2d at 803 (providing that corroboration may be based on circumstantial evidence and the entirety of the evidence presented). Accordingly, we

ORDER the judgment of conviction AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jacqueline M. Bluth, District Judge
Law Offices of Kenneth G. Frizzell, III
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Insofar as Vaughn has raised other issues which are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.