


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LASHASTA MARIE BROADNAX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89346-COA

**FILED**

SEP 30 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Lashasta Marie Broadnax appeals from a judgment of conviction, entered pursuant to a jury verdict, of battery with the use of a deadly weapon resulting in substantial bodily harm and three counts each of assault with the use of a deadly weapon and discharging of firearm at or into an occupied structure, vehicle, aircraft, or watercraft. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

First, Broadnax argues the State did not present sufficient evidence that she was a principal, aider or abettor, or coconspirator to the crimes. She argues there was conflicting evidence presented as to the identities of the driver and the shooter and as to the number of people involved. She also argues there were other possible suspects that looked similar to her.

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 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); accord *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008). “[I]t is the function of the jury, not the appellate court, to

weigh the evidence and pass upon the credibility of the witness.” *Walker v. State*, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). And circumstantial evidence is enough to support a conviction. *Washington v. State*, 132 Nev. 655, 661, 376 P.3d 802, 807 (2016).

The jury was presented with evidence that Broadnax and Darryl Henderson were dating. On the night of the crimes, surveillance video footage showed a man exiting Henderson’s Dodge Challenger at an apartment complex associated with Henderson and Broadnax. The video showed the man getting into the backseat of Broadnax’s Dodge Durango and a woman getting into the driver’s seat. The driver drove the Durango to another gated apartment complex and drove around it. The Durango left the complex but then immediately re-entered. The victims were in a vehicle that entered the apartment complex behind the Durango. At the back of the complex, the driver of the Durango maneuvered the vehicle to block the victims’ vehicle. The man in the back of the Durango put down his window and shot three times at the victims’ car. One of the victims was shot. As the Durango exited the apartment complex, it had to wait for a period of time while the gate opened and cameras captured the driver, who was wearing the same hat Broadnax had been wearing earlier in the day. The Durango then left the complex. The Durango was driven back to the apartment complex where Henderson’s vehicle had been left. A security guard who witnessed the Durango returning to Broadnax’s apartment complex identified Broadnax as the driver of the Durango minutes after the shooting. The Durango was later found with the license plates removed.

After review, we conclude a rational jury could have found beyond a reasonable doubt that Broadnax aided and abetted or conspired with Henderson to commit the crimes of battery with the use of a deadly

weapon resulting in substantial bodily harm and three counts each of assault with the use of a deadly weapon and discharging of firearm at or into an occupied structure, vehicle, aircraft, or watercraft. See NRS 193.165(6); NRS 200.471(1)(a); NRS 200.481(2)(e)(2); NRS 202.285(1). Thus, we conclude the State presented sufficient evidence and Broadnax is not entitled to relief on this claim.

Broadnax also argues the State presented insufficient evidence because it relied on inadmissible testimony that the three victims and a witness to the shooting were either scared to testify or were testifying under threat of arrest. Broadnax argues this testimony was not relevant and was prejudicial because it made Broadnax appear dangerous and intimidating. This claim concerns the admissibility of evidence and thus does not implicate the sufficiency of the evidence. See *Stephans v. State*, 127 Nev. 712, 721, 262 P.3d 727, 734 (2011) (“In assessing a sufficiency of the evidence challenge, a reviewing court must consider all of the evidence admitted by the trial court, *regardless [of] whether that evidence was admitted erroneously.*” (internal quotation marks omitted)). Therefore, Broadnax fails to demonstrate she is entitled to relief.<sup>1</sup>

Next, Broadnax argues the State committed three instances of prosecutorial misconduct during closing argument: (1) the prosecutor stated “that man was not being forthright,” suggesting the prosecutor had inside

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<sup>1</sup>Further, even if this court considered Broadnax’s admissibility claim independent of her sufficiency-of-the-evidence claim, Broadnax fails to demonstrate plain error. See *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018) (holding unobjected-to error will be reviewed for plain error). Here, the challenged testimony was relevant because it provided an explanation for the differences in the witnesses’ trial testimony and their previous statements regarding the crimes. Therefore, we conclude Broadnax is not entitled to relief on this claim.

knowledge about the witness in question; (2) the prosecutor misstated the law in rebuttal when he stated “a getaway driver can never be merely present”; and (3) the prosecutor injected himself and his thought processes into his rebuttal. Broadnax did not object to any of these instances; thus, they are reviewed for plain error. To demonstrate plain error, an appellant must show that: “(1) there was an ‘error’; (2) the error is ‘plain,’ meaning that it is clear under current law from a casual inspection of the record; and (3) the error affected the defendant’s substantial rights.” *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). “[A] plain error affects a defendant’s substantial rights when it causes actual prejudice or a miscarriage of justice (defined as a ‘grossly unfair’ outcome).” *Id.* at 51, 412 P.3d at 49.

First, we conclude the prosecutor’s statement “that [the] man was not being forthright” was not based on the prosecutor’s inside knowledge but was instead based on evidence presented by the State that the witness was not being truthful. At trial, the witness testified he was asleep during the altercation but was also able to testify about certain actions that happened while he was allegedly asleep. The prosecutor’s argument was a reasonable inference based on the evidence. Further, the prosecutor discussed the specific evidence that supported his assertion that the witness was not being forthright. *See Rowland v. State*, 118 Nev. 31, 39, 39 P.3d 114, 119 (2002) (stating “reasonable latitude should be given to the prosecutor to argue the credibility of the witnesses” as long as the prosecutor does not vouch for or against the credibility of the witness). Therefore, Broadnax fails to demonstrate plain error, and we conclude she is not entitled to relief on this claim.

Second, we conclude it was error for the prosecutor to argue that a person can never be merely present as the getaway driver. However,

Broadnax fails to demonstrate her substantial rights were violated. The jury was properly instructed on the law regarding mere presence, and the jurors are presumed to follow their instructions. *See Leonard v. State*, 117 Nev. 53, 66, 17 P.3d 397, 405 (2001). Further, the State supported its argument with ample evidence to show that the getaway driver in this case was not merely present and was actively participating in the crimes. As stated above, evidence was presented that the driver of the Durango maneuvered the vehicle to block the victims' vehicle, stopped the vehicle to allow the person to shoot at the victims, and drove off after the shooting. Therefore, we conclude the State's argument did not cause actual prejudice or a miscarriage of justice, and Broadnax is not entitled to relief on this claim.

Third, Broadnax cites select passages from rebuttal closing argument where the prosecutor was discussing a witness's testimony to support her claim that the prosecutor injected himself and his thought process. During redirect examination, the prosecutor used the witness's prior statements to refresh the witness's recollection or impeach him. During closing argument, Broadnax insinuated the prosecutor's case was weak in part because the prosecutor had to impeach his own witness. In the rebuttal argument, the prosecutor discussed what happened during the witness's testimony and attempted to explain why he used the witness's prior statements during redirect examination. Broadnax seems to argue this was misconduct because this was a credibility assertion. Broadnax does not explain how this was a credibility assertion. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (stating "[i]t is appellant's responsibility to present relevant authority and cogent argument"). Further, the prosecutor's argument was in response to Broadnax's

argument that the State had to impeach its own witness. *See Pascua v. State*, 122 Nev. 1001, 1008, 145 P.3d 1031, 1035 (2006) (concluding a prosecutor's comments during closing argument were in rebuttal to a defendant's closing argument and did not constitute plain error). Therefore, Broadnax fails to demonstrate plain error, and we conclude she is not entitled to relief on this claim.

Having concluded Broadnax is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

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

  
\_\_\_\_\_, J.  
Westbrook

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