

IN THE SUPREME COURT OF THE STATE OF NEVADA

CESAR MORA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42475

FILED

AUG 26 2004

CLERK OF THE SUPREME COURT  
J. Richard

ORDER OF AFFIRMANCE AND LIMITED REMAND TO CORRECT  
THE JUDGMENT OF CONVICTION

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of burglary while in the possession of a firearm, conspiracy to commit robbery, and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge. The district court sentenced appellant Cesar Mora to serve concurrent prison terms of 24-84 months for the burglary, 12-36 months for the conspiracy, and 24-84 months for the robbery plus an equal and consecutive prison term for the use of a deadly weapon.

Mora contends that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt on all three counts. Specifically, Mora argues that the testimony presented at trial indicates that he was not a willful participant in the crime, and instead "was forced into assisting [his co-conspirator], a dangerous and volatile career criminal." Mora claims that his only connection to the crime came after he confessed, and without presenting any legal argument or relevant authority in support of his contention,

states: “[t]his alleged confession is shady, at best.”<sup>1</sup> We disagree with Mora’s contention.

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>2</sup> In particular, we note that an associate clerk at Ace Cash Express testified that Mora first entered the establishment and inquired about sending money to Mexico. Mora was instructed to complete a money gram form, which he took, and departed for approximately 15 minutes. After Mora returned and began completing the form, another man arrived, wearing a black hat, and the man eventually approached the clerk and pulled out a semi-automatic handgun, ordering the clerk to give him money. The man with the gun pointed it at Mora, and the clerk complied with his demand and turned over approximately \$3,500.00. The co-conspirator grabbed as much of the money as he could with his left hand while holding the gun with the other, and Mora, seeing more money left in the clerk’s tray, grabbed what remained. The two men then ran out of the

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<sup>1</sup>This court has stated repeatedly that “[i]t is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.” Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Accordingly, we will not address the validity of Mora’s confession.

<sup>2</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

store together in the same direction. An employee at an adjacent business testified that she witnessed Mora and the co-conspirator exiting Ace Cash Express and running away together in the same direction, and that one of the men was wearing a black hat. The clerk testified that Mora and the man with the gun never spoke to each other during the robbery, and she informed police arriving at the scene that she was robbed by two men.

Tirso Dominguez, a robbery detective with the Las Vegas Metropolitan Police Department, testified that after Mora was taken into custody, he initially denied any involvement in the crime and even being in the general vicinity. Detective Dominguez informed Mora that his fingerprints were found at the scene of the crime on a money gram form, and Mora claimed that he was asked by someone on the street to help him complete the form. When the detective informed Mora that a witness visually identified him as having been inside Ace Cash Express, Mora then admitted to being there but claimed that he was a victim of the crime, and that the culprit robbed him of \$300.00 as well. Detective Dominguez testified that eventually, after continuing to confront Mora about the inconsistencies in his story, Mora broke down, started crying, and admitted to his involvement in the crime. Mora proceeded to make an audiotaped confession wherein he stated that he was offered \$300.00 by his co-conspirator, and that he agreed to enter Ace Cash Express and pretend that he was a customer being taken hostage during the robbery.

Based on all of the above, we conclude that the jury could reasonably infer from the evidence presented that Mora committed the

crimes of burglary while in the possession of a firearm, conspiracy to commit robbery and robbery with the use of a deadly weapon.<sup>3</sup> 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, sufficient evidence supports the verdict.<sup>4</sup> We also note that circumstantial evidence alone may sustain a conviction.<sup>5</sup> Therefore, we conclude that the State presented sufficient evidence to sustain the conviction.

Having considered Mora's contention and concluded that it is without merit, we affirm the judgment of conviction. Our review of the judgment of conviction, however, reveals a clerical error. The judgment of conviction incorrectly states that Mora was convicted pursuant to a guilty plea. The judgment of conviction should have stated that Mora was convicted pursuant to a jury verdict. We therefore conclude that this matter should be remanded to the district court for the limited purpose of correcting the judgment of conviction. Accordingly, we


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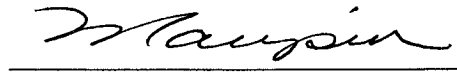
<sup>3</sup>See NRS 205.060(1), (4); NRS 200.380(1); NRS 199.480(1); NRS 193.165.

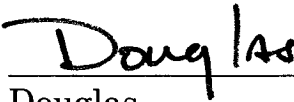
<sup>4</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

<sup>5</sup>See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003).

ORDER the judgment of the district court AFFIRMED and REMAND this matter to the district court as noted above.<sup>6</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Michael A. Cherry, District Judge  
Law Office of Betsy Allen  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>6</sup>Although this court has elected to file the fast track statement submitted, we note that it does not comply with the requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e)(2). Although counsel for Mora repeatedly refers to evidence presented at the trial, the fast track statement does not contain any citations to the specific pages of the appendix or certified trial transcript. Counsel is cautioned that failure to comply with the requirements for the preparation of fast track statements in the future may result in the brief being returned, unfiled, to be correctly prepared. Failure to comply may also result in the imposition of sanctions by this court. NRAP 3C(n).