

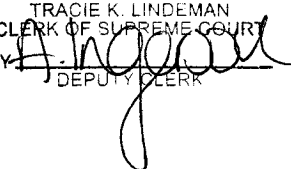
IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMARTICE WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58812

FILED

JUN 13 2012

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


ORDER OF AFFIRMANCE

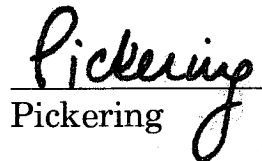
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of conspiracy to commit robbery, robbery with the use of a deadly weapon, battery with a deadly weapon, and battery with intent to commit a crime. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

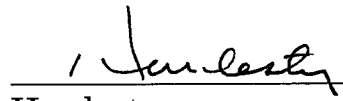
Appellant Lamartice Wright contends that insufficient evidence supports his convictions for robbery with the use of a deadly weapon and battery with a deadly weapon because the State did not prove that he used a deadly weapon. Wright asserts that the position of the gun obscured the victim's ability to see it and the victim's intoxication impaired his ability to recall the events. He also points out that the co-offender testified that she did not see him with a gun that day and Wright told her that he had pointed a cell phone at the victim's head. We conclude this contention lacks merit because the evidence, when viewed in the light most favorable to the State, is sufficient to support the convictions beyond a reasonable doubt. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Vega v. State, 126 Nev. ___, ___, 236 P.3d 632, 639 (2010).

The victim testified that he felt Wright put a gun to the side of his head. He heard the hammer of the gun clicking back and felt the vibrations made. The victim turned his head and eyes and saw the gun; he described it as a black semi-automatic gun with a "squared-off end" and "Glock styling." Wright took money and other items from the victim and "pistol whipped" him in the face with the gun. The victim heard the male co-offender tell Wright something to the effect of "just finish him." Another co-offender testified that she knew Wright to sometimes carry a semi-automatic pistol. And one of the responding officers testified that the victim was able to relate what happened and was not incoherent or confused. From this evidence a rational juror could reasonably infer that Wright used a deadly weapon in the commission of the robbery and battery. See NRS 193.165; NRS 200.380(1); NRS 200.481(2)(e). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. David B. Barker, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk