


IN THE SUPREME COURT OF THE STATE OF NEVADA

LARON CHRISTOPHER DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88241

FILED

JUL 02 2025

ELIZABETH A. BROWN
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 first-degree murder with the use of a deadly weapon and battery with intent to kill with the use of a deadly weapon constituting domestic violence. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge. Appellant Laron Davis raises five contentions on appeal.

Sufficiency of the evidence

Davis argues there was insufficient evidence to sustain his convictions. “In reviewing a challenge to the sufficiency of the evidence supporting a criminal conviction, we consider ‘whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *Belcher v. State*, 136 Nev. 261, 275, 464 P.3d 1013, 1029 (2020) (quoting *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992)) (citation omitted). “The jury’s verdict will not be disturbed on appeal when there is substantial evidence supporting it.” *Brass v. State*, 128 Nev. 748, 754, 291 P.3d 145, 150 (2012).

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The State presented evidence that Davis and the victim were in a romantic relationship and had two children in common. Witnesses saw a male and the victim together in a parking area of the victim's apartment complex. Multiple witnesses identified the man as Davis. Moments before hearing gunshots, witnesses testified that Davis and the victim were arguing, and two witnesses heard the victim say, "What are you going to do? Shoot me?" Witnesses described Davis chasing the victim while firing a pistol at her. After the victim fell to the ground, witnesses saw Davis flee the scene. Forensic evidence showed that the victim died after being struck by nine bullets—two bullets struck the victim in the head, four in the back, and two in the buttocks. One bullet grazed the victim's leg.

Davis admitted he was with the victim at the scene of the shooting, fled the scene in an SUV rented by the victim, and left the state for approximately six weeks. Although Davis claims he was not the shooter, he gave conflicting descriptions to law enforcement about an alleged alternative suspect, and Davis's descriptions of the supposed shooter were not corroborated by any other witnesses.

We conclude that the State presented sufficient evidence such that a rational trier of fact could find Davis guilty of first-degree murder with the use of a deadly weapon. *See* NRS 193.165 (providing the deadly weapon enhancement); NRS 200.010 (defining murder); NRS 200.030(1) (defining first-degree murder). Likewise, given the forensic evidence and the fact that the victim was the mother of two of Davis's children, sufficient evidence supported the conviction for battery with intent to kill with a deadly weapon constituting domestic violence. *See* NRS 33.018(1)(a) (providing that a battery against a current or former romantic partner constitutes domestic violence); NRS 200.481(1)(a) (defining battery); *see*

also *Washington v. State*, 132 Nev. 655, 663, 376 P.3d 802, 808 (2016) (“Intent to kill can be inferred from the circumstances surrounding the killing.”). Therefore, no relief is warranted on this ground. See *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008) (“This court will not reweigh the evidence or evaluate the credibility of witnesses because that is the responsibility of the trier of fact.”).

Double jeopardy

Davis asserts that the convictions for murder and battery violate double jeopardy. Because Davis fails to provide any argument as to the relevant statutory elements, we conclude he has not shown that relief is warranted on this ground. See *Jackson v. State*, 128 Nev. 598, 604, 291 P.3d 1274, 1278 (2012) (explaining that the relevant test “inquires whether each offense contains an element not contained in the other; if not, they are the ‘same offence’ and double jeopardy bars additional punishment and successive prosecution” (quoting *United States v. Dixon*, 509 U.S. 688, 696 (1993))); *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 the court.”). Moreover, to the extent Davis urges this court to reconsider *Jackson* and return to the “same conduct” test, we decline the invitation. See *Armenta-Carpio v. State*, 129 Nev. 531, 535, 306 P.3d 395, 398 (2013) (“Under the doctrine of stare decisis, we will not overturn precedent absent compelling reasons for so doing.” (internal alterations and quotation marks omitted)).

Prosecutorial misconduct

Davis argues that the prosecutor committed several acts of prosecutorial misconduct. We review unpreserved claims of prosecutorial misconduct for plain error, see *Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008), but when considering preserved claims of

prosecutorial misconduct, this court engages in a two-step analysis. “First, we must determine whether the prosecutor’s conduct was improper. Second, if the conduct was improper, we must determine whether the improper conduct warrants reversal.” *Id.* at 1188, 196 P.3d at 476.

First, Davis contends that the prosecutor improperly used or elicited the terms “murder” and “victim.” Because Davis concedes that he did not object below, we review for plain error and conclude that the use of the terms “victim” and “murder” in a prosecution for the murder of the deceased victim do not amount to plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018) (recognizing that plain error must be “clear under current law from a casual inspection of the record”).

Second, Davis argues that the prosecutor improperly commented on Davis’s right to remain silent. During closing argument, the prosecutor stated: “So, like obviously, [Davis] has the right not to talk to police, right? But he did make a statement, and now you get to hear that statement.” Davis did not object at trial and we, therefore, review for plain error. After reviewing the record, we conclude that the prosecutor’s reference to Davis’s right to remain silent was improper but did not affect Davis’s substantial rights considering the full context of the prosecutor’s comment.

Third, Davis argues that the prosecutor misstated evidence during closing argument by suggesting that “all” Davis had to say about the victim’s death was that he could not win an argument with the victim. Even if the prosecutor’s statement was improper, the district court sustained Davis’s objection and cured any doubts about the erroneous nature of the statement. Thus, Davis has not demonstrated that relief is warranted on this ground.

Fourth, Davis contends that the State's description of the lesser-included offense (voluntary manslaughter) confused the jury. Davis does not explain how the prosecutor's statements confused the jury. Davis objected twice and the district court sustained both objections. *See Pantano v. State*, 122 Nev. 782, 794, 138 P.3d 477, 485 (2006) (concluding that defendant received the appropriate remedy "when the district court sustained his objection" to an improper statement). Moreover, the district court appropriately instructed the jury on the law. Therefore, Davis has not demonstrated that reversal is warranted.

Fifth, Davis argues that the State improperly quantified and minimized the reasonable doubt standard. "The concept of reasonable doubt is inherently qualitative. Any attempt to quantify it may impermissibly lower the prosecution's burden of proof, and is likely to confuse rather than clarify." *McCullough v. State*, 99 Nev. 72, 75, 657 P.2d 1157, 1159 (1983); *see also* NRS 175.211 (providing the only definition of reasonable doubt that may be given). Here, the prosecutor described reasonable doubt as "a standard that while high, is met all the time and is found all the time." The district court sustained Davis's objection. We conclude that, even if improper, the prosecutor's statement was harmless because the district court correctly instructed the jury on the definition of reasonable doubt and the prosecutor displayed and read the proper instruction immediately after the challenged statement. *See Randolph v. State*, 117 Nev. 970, 981, 36 P.3d 424, 431 (2001) (explaining that "incorrect explanations of reasonable doubt [are] harmless error as long as the jury instruction correctly defined reasonable doubt"). As a result, we conclude that Davis has not shown relief is warranted.

Sixth, Davis argues that the prosecutor improperly stated an opinion during closing argument by arguing that there was no reason to believe that there were two shooters. We disagree because Davis told law enforcement that he saw another shooter, and the prosecutor's statement in response to Davis's theory was properly deduced from the evidence. See *Jones v. State*, 113 Nev. 454, 467, 937 P.2d 55, 63 (1997) ("During closing argument, the prosecution can argue inferences from the evidence and offer conclusions on contested issues."). Therefore, Davis has not shown any misconduct.

Finally, Davis asserts that the prosecutor showed the jury two PowerPoint slides containing text from an unrelated case. Even if this constitutes misconduct, Davis has not shown reversal is warranted because he fails to provide any clear argument. See *Maresca*, 103 Nev. at 673, 748 P.2d at 6. Further, the district court adequately instructed the jury to disregard the slides, which were described by defense counsel during a bench conference as "obviously" unrelated to the case. We discern no reversible error on this point.

Juror misconduct

Davis argues the district court erred in denying his motion for a new trial based on alleged juror misconduct without conducting an evidentiary hearing. "A denial of a motion for a new trial based upon juror misconduct will be upheld absent an abuse of discretion by the district court." *Meyer v. State*, 119 Nev. 554, 561, 80 P.3d 447, 453 (2003). To "prevail on a motion for a new trial based on juror misconduct, the defendant must present admissible evidence sufficient to establish: (1) the occurrence of juror misconduct, and (2) a showing that the misconduct was prejudicial." *Id.* at 563-64, 80 P.3d at 455.


The alleged juror misconduct is based on a letter that Davis received from a juror following the trial. In the letter, the juror expressed regret and described feeling pressured to reach a verdict. Davis contends that the district court erred in determining the letter was inadmissible to support the motion for a new trial. We disagree. NRS 50.065(2)(a) limits a juror's testimony upon an inquiry into the validity of a verdict. The letter at issue violates that limitation because it contained descriptions of the "juror's mind or emotions" that influenced the juror's "assent to . . . the verdict" and the "mental processes in connection therewith." NRS 50.065(2)(a). Accordingly, the letter was inadmissible for any purpose. NRS 50.065(2)(b). Therefore, absent admissible evidence, the district court did not err in denying the motion for a new trial without conducting an evidentiary hearing.

Cumulative error

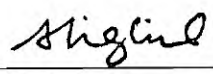
Davis argues that cumulative error warrants reversal of his convictions. Davis has identified two possible errors: the prosecutor's minimization of reasonable doubt and the comment on his right to remain silent. We consider three factors when evaluating a claim of cumulative error: "(1) whether the issue of guilt is close, (2) the quantity and character of the error, and (3) the gravity of the crime charged." *Mulder v. State*, 116 Nev. 1, 17, 992 P.2d 845, 854-55 (2000). Here, ample evidence was admitted such that the issue of guilt is not close. As to the second consideration, we have determined that the prosecutor's comment regarding reasonable doubt was cured by the district court and by the prosecutor's display and explanation of the proper reasonable doubt instruction. The prosecutor's comment regarding Davis's right to remain silent was improper, but the character of that error does not warrant reversal. Nor, when viewed alongside the prosecutor's comment on the State's burden to present

evidence of guilt beyond a reasonable doubt, does the comment warrant reversal. In this case, we conclude that Davis has failed to demonstrate cumulative error sufficient to warrant reversal of the judgment of conviction. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Jacqueline M. Bluth, District Judge
Liberators Criminal Defense
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk