IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMIAH ISRAEL LANGFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89150-COA

ORDER OF AFFIRMANCE

Jeremiah Israel Langford appeals from a judgment of conviction, entered pursuant to a jury trial, of first-degree kidnapping and misdemeanor battery. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Langford challenges the sufficiency of the evidence supporting his conviction for first-degree kidnapping. When analyzing the sufficiency of the evidence, this court examines "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." *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). A jury's verdict will not be disturbed on appeal where substantial evidence supports it. *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

During Langford's trial, the victim testified that she was maintaining park trails while listening to an audiobook on her phone. Langford grabbed her from behind and around her neck. The victim

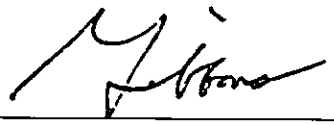
struggled and stabbed at Langford with pruning shears until she was thrown to the ground. Langford then grabbed and pulled at her legs briefly before fleeing. The victim tried to call the police, but her phone, which had been in her back pocket before Langford grabbed her, was no longer there. Officers later found her phone in thick brush roughly ten feet from where the victim was working. The victim also suffered scratches on her back indicative of being dragged. Viewing this evidence in the light most favorable to the prosecution, a rational trier of fact could find beyond a reasonable doubt that Langford seized or moved the victim with the intent to rob her. *See* NRS 200.310(1) (providing that "[a] person who willfully seizes . . . a person by any means whatsoever with the intent to hold or detain . . . for the purpose of committing . . . robbery upon or from the person . . . is guilty of kidnapping in the first degree"); *Grant v. State*, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001) ("Intent need not be proven by direct evidence but can be inferred from conduct and circumstantial evidence.").

Because a rational trier of fact could have concluded that Langford intended to steal the phone when he seized and moved the victim but was unable to do so, we do not agree with Langford that the jury's acquittal on the robbery charge constitutes a finding that Langford did not intend to rob the victim. To the extent Langford contends the restraint and movement was incidental to the charged robbery, the authority on which he relies is based on the Legislature's intent not to impose dual punishment for robbery and kidnapping where the movement or restraint is incidental to the robbery. *See Mendoza v. State*, 122 Nev. 267, 272-73 130 P.3d 176, 179 (2006). Because the jury acquitted Langford of robbery, he is not subject

to dual punishment. He cites no authority suggesting that this principle can be extended to a situation where the restraint or movement is incidental to a charged but unproven robbery. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Bulla



_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk