

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN WILLIAMS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

No. 83418

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RESPONDENT'S ANSWERING BRIEF

JOHN L. ARRASCADA
Washoe County Public Defender

CHRISTOPHER J. HICKS
Washoe County District Attorney

JOHN REESE PETTY
Chief Deputy Public Defender
350 South Center Street, 5th Floor
Reno, Nevada 89501

JENNIFER NOBLE
Chief Appellate Deputy
One South Sierra Street
Reno, Nevada 89501

ATTORNEYS FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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_____/

RESPONDENT'S ANSWERING BRIEF

I. STATEMENT OF THE CASE

This is an appeal from a judgment of conviction following a jury verdict. The State jointly charged Ryan Williams (hereafter “Williams”) and Adrianna Marie Norman (hereafter “Norman”) with Count I: robbery with the use of a deadly weapon, a category B felony; Count II: attempted robbery with the use of a deadly weapon, a category B felony; Count III, burglary with possession of a firearm or deadly weapon, a category B felony; and Count IV: murder with the use of a deadly weapon, a category A felony. Williams was also charged with Count V: causing the death of another by driving a vehicle while under the influence of methamphetamine, a category B felony; Count VI: eluding or flight from a

police officer resulting in death, a category B felony; and Count VII: reckless driving, a category B felony. 1 JA 1-11.

The jury found Williams guilty of Count I, robbery, but without the deadly weapon finding; not guilty of Count II, attempted robbery; guilty of Count III, burglary with a deadly weapon; and guilty of Counts V, VI, and VII. 10 JA 229-234; 10 JA 2074-78. The jury could not reach a verdict on Count IV, murder with the use of a deadly weapon. *See* 10 JA 2064-70. The parties stipulated that the jury was deadlocked on Court IV. 10 JA 270-71.

Williams was sentenced as follows: Count I, 60 to 180 months in prison, with credit for 514 days; Count III, 60 to 180 months in prison, concurrent with Count I; Count V, 48 to 180 months in prison, consecutive to Count III; Count VI, 96 to 240 months in prison, consecutive to Count V. On Count VII, reckless driving, the district court did not impose a sentence, finding instead that Count VII was a lesser included offense of Count VI. 1 JA 235-237. This appeal followed.

II. ROUTING STATEMENT

Because this is an appeal from a conviction following a jury verdict that primarily challenges the sufficiency of the evidence, this appeal is not subject to presumptive assignment to the Court of Appeals. NRAP 17 (b)(2)(A) and (B).

III. STATEMENT OF THE FACTS

On February 22, 2020, Williams and Norman, along with a man named Zane Kelly, went to Bob & Lucy's Tavern in Sparks to confront Steven Sims, whom they knew to regularly patronize the establishment. Norman was angry at Sims because he had lived at her Winnemucca residence weeks prior, but then left in January 2020 without telling her.

Sims testified that prior to the night he encountered the defendants at Bob & Lucy's, he had stayed with Norman at her home in Winnemucca. Williams was also Norman's roommate at the time. 4 JA 752-754. Sims recalled that on one occasion, he drove with Williams and Norman to get fast food. *Id.*, 757-759. He recalled that on that trip, Williams took a gun off his person and sat it on the center console. *Id.* During this testimony, the judge read a limiting instruction providing that Sims' testimony about the gun was not to be considered for purposes or character or conformity, but may be considered to determine intent or provide context to statements made on February 22, 2020. *Id.*, 759-760.

Sims further testified that in the middle of January 2020, he left Norman's home in Winnemucca without telling her he was going to leave. *Id.*, 760-763. Norman sent him a series of threatening messages on January 15, 2020. *Id.* At the time the messages were admitted into

evidence, the Court read a limiting instruction that they could not be considered against Williams, and re-read the limiting instruction regarding the prior testimony concerning Williams' possession of a handgun. *Id.*, 764.

Sims further testified that when Norman approached him inside the tavern on February 22, 2020, she was smiling, and he was very shocked to see her. *Id.*, 769-772. Surveillance footage captured their interaction. Exhibits 1 and 2¹. Norman repeated her accusation that Sims had stolen electronics from her children, which Sims denied. *Id.* During the conversation, Sims observed a gun under Norman's arm. *Id.* Norman took the gun out from under her arm, held it in her hand, and told Sims that it was real. *Id.*, 782-783. Sims was afraid she was going to shoot him. *Id.* He recalled pleading with Norman to calm down. *Id.*, 788. Norman asked Sims why he had not responded to her text messages, and he told her "I wasn't entertaining it because I'm not a petty theft." *Id.*, 790. At that point, Williams approached Norman and Sims. Exhibit 1; *Id.*, 801. Sims noticed

¹ The State has moved to transmit Exhibits 1 and 2 in the companion case, Norman v. State, Docket No. 83244. Although that motion has been granted, the State has filed another motion to transmit the exhibits for consideration in this appeal. Exhibits 1 and 2 are audiovisual recordings from tavern surveillance recordings capturing the interaction between Williams, his co-defendant, and victim Steven Sims.

that Williams kept his hand in his sweater pocket and was nudging it up and down. *Id.*, 802-803. Williams told Sims “You know how I roll, let’s ride.” *Id.* Based on his observation of Williams’ hand in his sweater pocket, his experience with Williams carrying a gun when they lived together during January 2020, and Williams’ statement, Sims assumed that Williams was also armed. *Id.*, 802-803; 801. Williams reached from behind Sims and pushed the cash out button on the gaming machine and told Sims to get up. *Id.*, 804-808. Williams repeatedly told Sims “Let’s go. Let’s go.” *Id.*, 809. In order to stall, Sims offered Norman and Williams money, and told them that he could get the bartender to get his roommate to bring him money. *Id.*, 809. Williams and Norman agreed. *Id.* Williams left the building and headed out to his truck, while Norman remained with Sims. Sims approached the bartender, ostensibly to arrange for delivery of the money, but instead asked the bartender to call the police. *Id.*, 809-815. Sims told Norman that it would take about 15 minutes for the money to get there. Norman told him that the money better arrive quickly, because if Williams came back in the tavern, she could not stop what was going to happen. *Id.*, 816-817. Sims made the decision to run into the kitchen, exiting the tavern through back double doors. *Id.*, 817.

Tavern attendant David Cole was also present on the night of the confrontation. Sims had been staying with him at his apartment. Cole recalled that he was working at Bob & Lucy's on a 11:00 pm to 7:00 am shift, and that Sims arrived at about 6:00 am and began playing the slot machines. 4 JA 596-601. He further recalled that a woman entered the tavern, sat down next to Sims, and began talking to him. *Id.* Cole did not see how the woman arrived, but he recalled the only vehicle in the parking lot was a white truck. *Id.* He heard her yelling at Sims, asking him why he had stolen from her children. *Id.* Cole further testified that a couple of men "walked in, walked around, then walked out, walked in again." *Id.*, 602. Sims approached Cole, and asked him to call 911, and Cole did so. *Id.*, 611.

As Cole heard sirens, Sims ran out the back door. *Id.*, 616. Sims was afraid, and testified "I was running for my life." 5 JA 822. He saw police officers in the parking lot, and ran toward them, complying with their commands to stop and get down. *Id.*, 819-820. Eventually, he made contact with Sergeant McNeely in the parking lot, and explained to Sergeant McNeely what had occurred. *Id.*, 822-827. Near the conclusion of Sims' testimony, the trial judge read a limiting instruction regarding Williams' prior possession of a handgun, which included language that

Sims' testimony on that issue could not be considered against Norman. *Id.*, 828-829.

When police arrived at Bob & Lucy's, Williams took off driving, with Kelly in the passenger seat. He drove at high rates of speed through Sparks, with police in pursuit. At the intersection of Victorian Avenue and East McCarran Boulevard, Williams entered the freeway, driving eastbound on a westbound exit. Mike Slattery, a commercial truck driver, testified that he saw Williams' truck driving toward him at a high rate of speed, and managed to veer out of the way. He saw the truck zigzagging before it collided with the Jeep driven by Jacob Edwards. 2 JA 283-295. The accident was captured by Slattery's dashboard camera. *Id.* Edwards died as a result of the collision. 7 JA 1343-1350. Williams was taken into custody, and police located the gun under the driver's seat, and a gaming ticket under the floor mat on the driver's side. After the accident, Williams told a medic he had been drinking alcohol and using methamphetamine. Police obtained a warrant, and took samples of Williams' blood. Analysis revealed the presence of methamphetamine. *Id.*, 1315-1317.

Sergeant Patrick McNeely testified that he was responding to the call from Bob & Lucy's, in the area of Commerce Drive, when he observed a black male running from the area of the tavern. The sergeant drove his

vehicle to meet the man, later identified as Sims, who appeared excited and out of breath. When the sergeant asked what happened, Sims exclaimed, “The people with the guns are over there.” 3 JA 413-420. Sims explained that he was playing on a machine when his former roommate came in, demanding money from him. He further stated that she had a nickel-plated handgun. *Id.* Shortly after Sergeant McNeely began talking to Sims, the white truck pulled out of the parking lot, pursued by police. *Id.*, 432-434. He directed Sims to go with him back into Bob & Lucy’s. *Id.* As the two were walking back, Sims began pointing at a black female, later identified as Norman, walking toward them and yelling, “That’s the one, she has the gun.” *Id.* Norman was yelling at Sims, asking him why he had done this to her, and why he called the police. *Id.* Sergeant McNeely called Norman over and handcuffed her for his safety. Norman’s demeanor was angry. Sergeant McNeely directed Sims to go back into the tavern. Despite Sergeant McNeely’s requests to calm down and stop engaging with Sims, Norman continued to yell across the parking lot. Norman shouted, “Why are you doing this to me?” and stated she would “drop the x-box” if Sims would help her. *Id.*, 435-440.

Sparks Police Detective Peter Loeschner testified that he was responding to the call at Bob & Lucy’s when he spotted other marked police

units trying to stop a white pick-up truck from leaving the parking lot. Although the officers were yelling at the driver to stop, the truck left the parking lot quickly, and the detective gave chase in his marked patrol car. 3 JA 380-390. Eventually, he lost the truck. *Id.* Sparks Police Officer Nicholas Chambers, who drove one of multiple marked police units involved in the pursuit, recalled that the truck reached speeds of approximately 65 miles per hour on South Rock Boulevard, a 30 mile per hour zone, as police followed with activated lights and sirens. 4 JA 677-688. The truck continued south on Glendale Avenue, driving approximately 90 miles per hour. *Id.* Eventually, Chambers sought and received permission to conduct a pit maneuver in an effort to stop the vehicle, but the maneuver was unsuccessful. *Id.*

IV. STATEMENT OF THE ISSUES

- A. Whether the district court erred in admitting evidence of Williams' prior possession of a handgun.
- B. Whether the evidence was sufficient to sustain the jury's verdicts as to the robbery and burglary counts.
- C. Whether the amended judgement of conviction should be amended to correct two clerical errors.

V. SUMMARY OF ARGUMENT

In this appeal, Williams raises three issues. First, he contends that the district court erred by admitting evidence that two months prior to the

events in this case, he took care to let the victim know that he carried a gun, even taking it out to display it on a car dashboard. Prior to admitting this evidence, the district court held a hearing and reasonably concluded that it was admissible to give context to Williams' later statement to the victim "you know how I roll," when he approached the victim with his hand in his pocket and took the victim's gaming machine ticket. It was also admissible to show that the victim's fear of Williams was reasonable. The district court did not abuse its discretion here. The record shows that it arrived at its conclusion by applying the appropriate statutes and caselaw, and then carefully weighed the probative value of the evidence against its prejudicial effect.

Second, Williams contends that the evidence was insufficient to convict him of burglary and robbery. Yet testimony and surveillance footage admitted at trial supported a reasonable inference that Williams accompanied his co-defendant, Norman, to the scene of the crime with the intent to assist Norman in her plan to enter the tavern armed, in order to threaten the victim with a gun. Williams and another man entered the tavern to confirm the victim's location before Norman went inside to engage with the victim, and then Williams himself re-entered, went straight to Norman and the victim, and put his hand in his pocket, gesturing as if he

too were armed. He told the victim “you know how I roll,” before pushing the cash out button on a gaming machine and taking the victim’s ticket. Later, Williams can also be seen on surveillance footage taking the gun from Norman. When Williams was ultimately apprehended, it was found under the seat of his truck.

The third issue regards errors in the judgment of conviction. As to this issue, the State agrees that the judgement should be amended.

VI. ARGUMENT

A. The District Court Properly Admitted Evidence of Williams’ Prior Display of a Handgun to the Victim.

1. Standard of Review

A trial court’s evaluation of the probative value and potential prejudice of evidence “will not be reversed unless it is manifestly erroneous.” *Lucas v. State*, 96 Nev. 428, 432-433, 610 P.2d 727, 730 (1980); *see also Holmes v. State*, 129 Nev. 567, 571-572, 306 P.3d 415, 418 (2013). Put differently, “[a]n abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.” *Crawford v. State*, 121 Nev. 744, 121 P.3d 582 (2005) (citation omitted).

2. Discussion

Williams asserts that the district court erred by allowing the jury to hear evidence that he had previously displayed a handgun to the victim. In

general, "[e]vidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith." NRS 48.045(2). Evidence of a person's other crimes, wrongs or acts is admissible, however, if relevant to prove a matter other than the person's propensity to act "in conformity therewith." *Id.*; *See also Bigpond v. State*, 128 Nev. 108, 270 P.3d 1244, 1249 (2012) ("evidence of 'other crimes, wrongs or acts' may be admitted for any relevant non propensity purpose"). Accordingly, among other things, such evidence "may be admissible for purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." NRS 48.045(2). Prior to admission of such evidence, the trial court must conduct a hearing on the record and determine that "(1) the prior bad act is relevant to the crime charged and for a purpose other than proving the defendant's propensity, (2) the act is proven by clear and convincing evidence, and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice." *Bigpond*, 128 Nev. 108, 270 P.3d 1244 at 1250 (evidence of 'other crimes, wrongs or acts' may be admitted for any relevant non-propensity purpose"). "[V]irtually all evidence submitted by the prosecution is prejudicial to the defendant; the relevant inquiry is whether any unfair prejudice from the evidence

substantially outweighs its probative value." *United States v. Hattaway*, 740 F.2d 1419, 1425 (1984).

Prior to admitting the evidence, the district court held a hearing on the defense motion to exclude evidence regarding Williams' prior possession of a handgun. Although Sims had been subpoenaed by the defense for the hearing, and was available, the defense elected to rely upon the preliminary hearing transcript rather than to call Sims as a witness. 1 JA 52; 67-68.

Sims testified that prior to the night he encountered the defendants at Bob & Lucy's, he had stayed with Norman at her home in Winnemucca. Williams was also Norman's roommate at the time. 4 JA 752-754. Sims recalled that on one occasion, he drove with Williams and Norman to get fast food. *Id.*, 757-759. On that trip, Williams took a gun off his person and sat it on the center console. *Id.* Sims thus became aware that Williams was armed, and that Williams had the gun on his person throughout the day. When Williams approached Sims inside Bob & Lucy's and told Sims, "You know how I roll," Sims reasonably understood this to be a reference to the one prior occasion where Sims had encountered Williams, during which Williams demonstrated that he was armed and carried a firearm on his person.

Evidence of Williams' obvious display of a handgun in Sims' presence and Sims' observation that Williams carried the gun upon his person throughout the day was relevant for the non-propensity purpose of explaining Williams' later statement to Sims that "'You know how I roll.'" This was a reference to Williams' being armed, as the only occasion from which Sims could know how Williams 'rolled' was the one day they spent together, during which Williams carried a handgun on his person throughout the day and made an obvious display of the fact in Sims' presence. Evidence of Sims' knowledge of Williams being armed on the prior occasion, in conjunction with Williams' reference to his being armed via the statement, "You know how I roll," was relevant to explain Sims' belief that Williams was armed with the same gun Sims had seen on the prior occasion when they were together. This evidence was probative of Williams' intent in entering Bob & Lucy's and approaching Sims, and relevant to the "by means of force or violence or fear of immediate or future injury" element of robbery and attempted robbery.

The district court correctly found that Sims' testimony regarding Williams' prior possession of a handgun was admissible. 1 JA 149-. Applying *Bigpond*, it concluded that Williams' prior possession of a handgun in Sims' presence was relevant for a non-propensity purpose.

Specifically, the district court found that it was relevant to the “by means of force or violence or fear of injury, immediate or future” element of the robbery count, providing context to Williams’ statement “You know how I roll.” *Id.*, citing NRS 200.380. The district court also rejected Sims’ interpretation of *Mangerich v. State*, 93 Nev. 683, 572 P.2d 542 (1977) noting that the force or violence or fear of injury element of robbery is objective. *Id.*, 149. It further reasoned:

...the ultimate standard by which the circumstances surrounding a robbery is measured to determine if the occurrence is objective; however, it does not follow that those circumstances are irrelevant. Therefore, the question for the jury will be whether a reasonable person who knew that Mr. Williams carried a gun on his person based on a prior interaction would be fearful enough to part with his property based on Mr. Williams’ statement ‘You know how I roll.’ To this end, this Court agrees with the State that whether or not Mr. Williams had a gun on his person at the time of the alleged robbery does not affect the relevancy of Mr. Williams’ statement and its context.

1 JA 150.

The district court also found that Williams’ prior handgun possession was relevant for the additional purpose of explaining Sims’ prior statement to police that he saw the gun, should Williams seek to introduce it at trial. *Id.*, 150. It further found that the State established that the act occurred by clear and convincing evidence. *Id.* The court also concluded that the probative value of the evidence was not substantially outweighed by the

danger of undue prejudice. In this portion of the analysis, it reasoned that evidence of Williams' prior possession of a handgun was not tied to a criminal event or act. *Id.*, 151.

The district court properly found that the facts of *Walker v. State*, 116 Nev. 442, 997 P.2d 803 (2000), were distinguishable from this case. *Id.*, 151-152. It noted that the two incidents at issue in *Walker* occurred ten and six years prior to the offense. *Id.*, citing *Walker v. State*, 116 Nev. at 444 (2000). In contrast, Williams' pointed display of a gun in Sims' presence occurred just two months prior to the incident at issue in this case. Moreover, the prior act was highly relevant to give context to Williams' statement, "You know how I roll," which tended to prove an element of the robbery and attempted robbery charges. *Id.*, 151-152.

Although Williams disputes the district court's conclusion that the evidence was more probative than prejudicial, this argument is based on the assumption that the jury would assume that he could not legally possess a handgun, or was somehow committing a crime when he displayed it to Sims. No evidence was introduced to suggest that Williams could not legally possess a gun, and Williams' insistence that the district court erred in its probative value versus prejudicial effect analysis is based on ill-supported speculation. The district court conducted a careful analysis on

this issue, and Williams has not demonstrated that its ruling constituted an abuse of discretion.

B. The Jury's Verdict Was Well-Supported.

1. Standard of Review

When the sufficiency of the evidence supporting a jury's verdict is challenged, the relevant inquiry is whether, after reviewing 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.

Koza v. State, 100 Nev. 245, 250, 681 P.2d 44 (1984).

2. Discussion

Next, Williams contends that the evidence adduced at trial was insufficient to sustain his convictions for robbery and burglary.

Regarding burglary, Williams argues that the evidence failed to establish that he entered Bob & Lucy's with the specific intent "to commit robbery, larceny, assault, battery, kidnapping, and/or felony coercion therein" as charged in Count III of the information. Instead, he argues that it was mere coincidence that Sims was at Bob & Lucy's, and no evidence tended to show Williams' intent at the time he entered the building.

Opening Brief ("OB"), 35-36.

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But evidence at trial established that after Kelly located Sims inside, he alerted Williams to Sims' presence, gesturing with his thumb toward the area where Sims was located. Exhibit 1, Exhibit 2. Williams then entered Bob & Lucy's, walked to the area where Sims was playing slot machines, and exited the building, going back to his truck. Exhibit 1. Minutes later, Norman entered the casino area, confronting Sims. Surveillance footage captured their interaction. Exhibit 2. Williams re-entered the tavern and approached Norman and Sims. Exhibit 2. Williams told Sims "Let's go, you know how I roll." Based on his prior knowledge that Williams carried a gun, and Williams' hand in his jacket pocket, Sims reasonably assumed that Williams was also armed. When Williams reached from behind Sims and pushed the cash out button on Sims' gaming machine, Sims was afraid.

Williams drove with Norman and Kelly to Bob & Lucy's. The evidence supported the inference that they entered the tavern with the purpose of locating Sims. Zane Kelly entered the tavern, made a lap, and located Williams. He looked at the location where Sims was sitting. Exhibit 1. As Williams entered the tavern, Zane Kelly gestured to Williams with his thumb toward Sims' location in the casino. Exhibit 2. Williams returned to the truck, and Norman got out, adjusting her waistline where the gun was concealed. Exhibit 1. Williams and Kelly remained in the truck for some

time and could be seen having a conversation. Exhibit 1. Later, after Williams joined Norman in the tavern and they were trying to get Sims to leave, Williams waived Norman into the vestibule, reached under her jacket, removed the gun, and took it out to the truck. Exhibit 1. This demonstrated that Williams knew where the gun was and entered the tavern with the intent of actively assisting Norman in her plan to threaten Sims with a gun. When viewed in the light most favorable to the prosecution, the jury could reasonably conclude that Williams possessed the requisite intent when he entered Bob & Lucy's.

Regarding the robbery conviction, Williams argues that the evidence was insufficient because he did not use force or fear when he pushed the button on the slot machine and took Sims' cash out voucher before "eventually" walking out of Bob & Lucy's. OB, 37. He also argues that neither Norman nor Williams specifically demanded money from Sims. *Id.*, 38-39.

Yet testimony at trial established that when they had met in Winnemucca, Williams had made a point of letting Sims know he carried a gun. Testimony further established that at Bob & Lucy's, Williams kept his hand in his pocket and moved it up and down, as if he had a gun. Williams reminded Sims about how he "rolled"—a reference to the prior display of a

firearm in Winnemucca—when he pushed the cash out button and took Sims’ ticket. The jury could draw a reasonable inference that when Williams took the ticket, he either had a gun, or wanted Sims to believe he had one. This supported a reasonable inference that Williams intended Sims to fear that Williams would harm him if he resisted the taking of his property. Indeed, Sims did not try to get his gaming ticket back because he was reasonably afraid of Williams. He was frightened enough to run out of the building. When viewed in the light most favorable to the prosecution, the evidence at trial established the fear element required to sustain a robbery conviction.

C. Clerical Errors in the Judgment of Conviction Should Be Corrected.

1. Standard of Review

This Court reviews questions of law *de novo*. *Bailey v. State*, 120 Nev. 406, 407, 91 P.3d 596, 597 (2004).

2. Discussion

Williams asserts that the amended judgment of conviction erroneously states that he was convicted of robbery with the use of a deadly weapon. OB, 39. He correctly observes that the jury did not find that a deadly weapon was used in the commission of the robbery. 1 JA 229. Although the amended judgment of conviction listed the offense in Count I

as robbery with the use of a deadly weapon, Williams was not sentenced for the deadly weapon enhancement. Thus, the State agrees with Williams that the clerical error contained in the judgment of conviction should be corrected by removing the deadly weapon enhancement as to Count I. No resentencing hearing is necessary.

Next, Williams asserts that the amended judgment of conviction should be corrected as to Count VII, reckless driving. Although the jury found Williams guilty of Count VII, the district court properly recognized that it was a lesser included offense of eluding or flight from a police officer resulting in death. 1 JA 244. The amended judgment stated that reckless driving was a lesser included offense, and therefore declined to impose sentence pursuant to *Kelley v. State*, 132 Nev. 348, 371 P.3d 1052 (2016). *Id.* The State agrees with Williams that pursuant to *Byars v. State*, 130 Nev. 848, 336 P.3d 939 (2014), because the reckless count was merged with the eluding count, reference to Count VII should be struck from the judgment of conviction. Again, because the sentence does not need to be changed, a resentencing hearing is not necessary

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VII. CONCLUSION

Based on the foregoing, the State respectfully asserts that the appeal should be denied, save for the issues surrounding corrections to the judgment of conviction, as indicated above.

DATED: March 7, 2022.

CHRISTOPHER J. HICKS
DISTRICT ATTORNEY

By: Jennifer Noble
Chief Appellate Deputy

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in Georgia 14.

2. I further certify that this brief complies with the page limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(c), it does not exceed 30 pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in

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the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED: March 7, 2022.

CHRISTOPHER J. HICKS
Washoe County District Attorney

BY: Jennifer P. Noble
Chief Appellate Deputy
Nevada State Bar No. 9446
One South Sierra Street
Reno, Nevada 89501
(775) 328-3200

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on March 7, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

John Reese Petty
Chief Deputy Public Defender

/s/ Tatyana Kazantseva
TATYANA KAZANTSEVA