

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRION KION SHAW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44504

FILED

JUN 02 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge. The district court sentenced appellant Jerrion Kion Shaw to a prison term of 12-36 months, suspended execution of the sentence, and placed him on an indeterminate term of probation not to exceed 3 years.¹

Shaw's sole contention on appeal is that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt of carrying a concealed firearm or other deadly weapon. Shaw argues that he did not carry the .45 caliber semi-automatic handgun "willfully" and "intentionally" as alleged in the amended criminal information. Shaw claims that "because the weapon was a very lightweight, compact firearm and because he was very intoxicated, he did not even realize the gun was in his pocket when he put the cargo shorts on." Shaw testified at trial that the handgun belonged to

¹Shaw was found not guilty of one count of possession of stolen property.

him and was a present from his girlfriend. Shaw's girlfriend, however, had previously reported the handgun as being stolen.

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.² Police officers responded to the scene of a party after receiving a 9-1-1 telephone call; the female caller informed dispatch that she had been threatened with a handgun by an individual at the party fitting Shaw's description. The handgun recovered by the arresting officer, after a pat-down search, was loaded. Shaw admits that the handgun was in his possession, and that he placed the handgun in a front pocket of his cargo pants the night before. The arresting officer testified at trial that Shaw was also wearing a long black t-shirt that extended well below his waist, down to about the middle of his thigh.³ No evidence was presented by the defense at trial that Shaw had been issued a permit authorizing him to carry the concealed handgun.⁴

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

²See 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)).


³See NRS 202.3653(1) ("Concealed firearm' means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation."); see also NRS 202.350(7)(a).

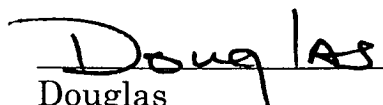
⁴See NRS 202.350(3).

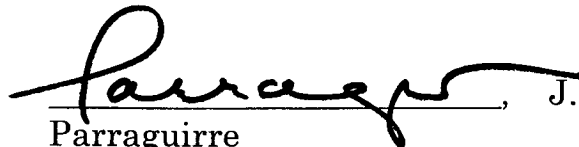
crime of carrying a concealed firearm or other deadly weapon.⁵ It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, sufficient evidence supports the verdict.⁶ Therefore, we conclude that the State presented sufficient evidence to sustain the conviction.

Accordingly, having considered Shaw's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See NRS 202.350(1)(d)(3) ("a person within this state shall not . . . [c]arry concealed upon his person any . . . [p]istol, revolver or other firearm, or other dangerous or deadly weapon").

⁶See 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).