

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENE ARTHUR ALMANZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47177

FILED

SEP 07 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance. First Judicial District Court, Carson City; Michael R. Griffin, Judge. The district court sentenced appellant Rene Arthur Almanza to time served of 537 days.

Almanza's sole contention on appeal is that there is insufficient evidence to support his conviction. Specifically, Almanza contends that the State failed to prove that he had exclusive dominion and control over the methamphetamine, which was found inside a black leather glove retrieved from the floor of a casino security office. We disagree.

"The relevant inquiry for this Court is '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.'"¹ In cases involving the possession of narcotics, this

¹Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

court has stated that "possession may be imputed when the contraband is found in a location which is immediately and exclusively accessible to the accused and subject to [his] dominion and control."² The two elements of possession of a controlled substance, dominion/control and knowledge, may be proven "by circumstantial evidence and reasonably drawn inferences."³

The record on appeal reveals sufficient evidence establishing that Almanza knowingly possessed the methamphetamine found inside the leather glove.⁴ In particular, Almanza testified at trial, admitting that he was wearing the glove shortly before the methamphetamine was found. Although Almanza also testified that he did not know there was methamphetamine inside the glove, the State presented evidence sufficient for the jury to infer otherwise. The jury could reasonably infer from the casino surveillance videotape, as well as the testimony of casino security personnel and the arresting officer, that Almanza had dominion and control over the glove and knew about the methamphetamine inside. It is for the jury to determine the weight and credibility to give conflicting

²Sheriff v. Shade, 109 Nev. 826, 830, 858 P.2d 840, 842 (1993) (quoting Glispey v. Sheriff, 89 Nev. 221, 223, 510 P.2d 623, 624 (1973)).

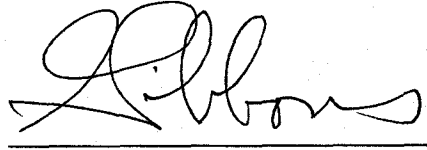
³Id. (quoting Fairman v. Warden, 83 Nev. 332, 336, 431 P.2d 660, 663 (1967)).


⁴See NRS 453.336.

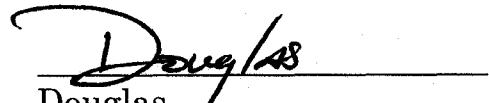
testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.⁵

Having considered Almanza's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michael R. Griffin, District Judge
Robert B. Walker
Attorney General George Chanos/Carson City
Carson City District Attorney
Carson City Clerk

⁵See 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).