

IN THE SUPREME COURT OF THE STATE OF NEVADA

AUSTIN VON BOWDISH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53347

**FILED**

DEC 03 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count of possession of a firearm by an ex-felon. Eighth Judicial District Court, Clark County; David B. Barker, Judge. The district court sentenced appellant Austin Von Bowdish to serve a prison term of 24 to 72 months.

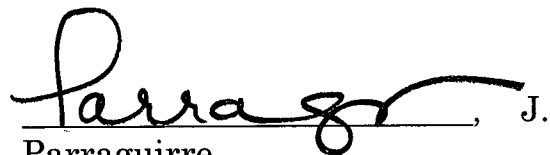
Bowdish's sole claim on appeal is that the evidence adduced at trial was insufficient to support his conviction. We conclude that this contention lacks merit.

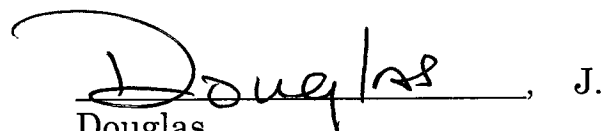
In a criminal case, the standard of review is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Mitchell v. State, 124 Nev. \_\_\_, \_\_\_, 192 P.3d 721, 727 (2008) (internal quotations and citations omitted). "This court will not disturb a jury verdict where there is substantial evidence to support it, and circumstantial evidence alone may support a conviction." Hernandez v. State, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002). Furthermore, "[t]his court will not reweigh the evidence or evaluate the credibility of witnesses because that is the responsibility of the trier of fact." Mitchell, 124 Nev. at \_\_\_, 192 P.3d at 727.

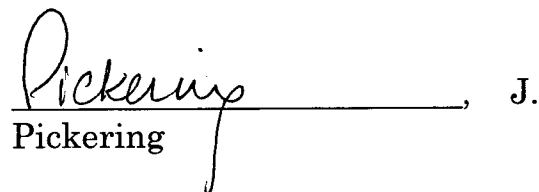
Here, the State produced evidence that the vehicle Bowdish was driving was stopped for speeding. While performing an inventory search of the vehicle, police found a loaded firearm hidden under the carpeting on the driver's side of the vehicle, near the emergency brake. Without being shown the recovered weapon or told of its type or location, Bowdish informed police of the weapon's caliber, make and model, and how and where he had hidden it, and said he didn't think police would find it because he had hidden it so well. Bowdish also told police that his fingerprints might be found on the gun because he had loaded it. Bowdish's passenger testified that Bowdish carried the gun with him into the car earlier that evening and that Bowdish placed it under the floorboard where he was sitting. And Bowdish stipulated to his ex-felon status.

From this evidence, a reasonable jury could have concluded, beyond a reasonable doubt, that Bowdish was an ex-felon in possession of a firearm. NRS 202.360(1)(a). Accordingly, we conclude that Bowdish's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

  
Parraguirre J.

  
Douglas J.

  
Pickering J.

cc: Hon. David B. Barker, District Judge  
Marchese Law Office  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk