

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGAR RICARDO ZAVALA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54674

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingersoll  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of one count each of conspiracy to commit robbery, burglary while in possession of a firearm, and robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant Edgar Ricardo Zavala contends that the district court improperly instructed the jury on actual and constructive possession. "The district court has broad discretion to settle jury instructions, and this court reviews the district court's decision for an abuse of that discretion or judicial error." Crawford v. State, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005). Here, the challenged instruction correctly states Nevada law and we conclude that the jury was properly instructed. See Palmer v. State, 112 Nev. 763, 768, 920 P.2d 112, 115 (1996) (quoting Black's Law Dictionary 1163 (6th ed. 1990)). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Michael Villani, District Judge  
Law Offices of James Hartsell  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk