

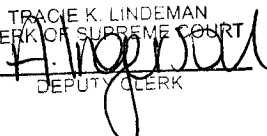
IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58381

FILED

JUL 26 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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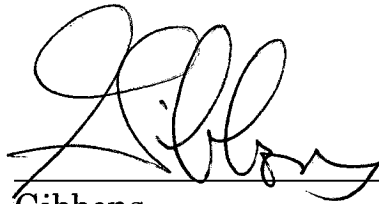
ORDER OF AFFIRMANCE

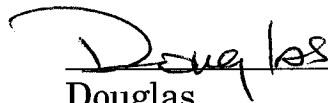
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of possession of a controlled substance with the intent to sell. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

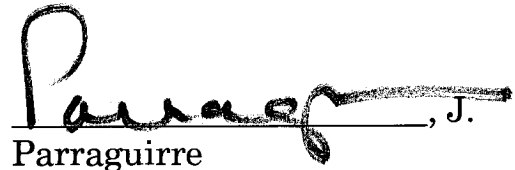
Appellant Antonio Johnson's sole contention on appeal is that there was insufficient evidence to support his conviction. We review the evidence in the light most favorable to the prosecution and determine whether any rational juror could have found the essential elements of the crime beyond a reasonable doubt. McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Here, Johnson testified that he traveled from Oakland, California and purchased 22 individual baggies of marijuana on the Las Vegas strip for his personal use. The officers who discovered the marijuana testified that they did not detect the odor of marijuana or observe any evidence of marijuana use in Johnson's motel room. A detective testified that based on his knowledge and experience the packaging of the marijuana was not consistent with personal use and it is uncommon for a buyer to purchase 22 individual baggies of marijuana rather than a larger amount at a cheaper price. We conclude that a rational juror could infer from these circumstances that Johnson intended to sell the marijuana, see NRS 453.337(1); see also Moore v. State, 122

Nev. 27, 36, 126 P.3d 508, 513 (2006) (explaining that intent “may be inferred from the conduct of the parties and the other facts and circumstances”); McNair, 108 Nev. at 56, 825 P.2d at 573 (“[I]t is the jury’s function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses.”), and we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Douglas W. Herndon, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We note that there is a clerical error in the judgment of conviction. The judgment incorrectly states that appellant was convicted pursuant to a guilty plea. In fact, appellant was convicted pursuant to a jury verdict. Following this court’s issuance of its remittitur, the district court shall correct this error in the judgment of conviction. See NRS 176.565 (providing that clerical error in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that district court does not regain jurisdiction until Supreme Court issues its remittitur).