

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRENT ELI MORRIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58646

FILED

APR 12 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict and bench trial, of two counts of commission of a fraudulent act in a gaming establishment and four counts of entry of a gaming establishment by an excluded person. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Appellant Brent Eli Morris contends that the district court erred by finding him guilty of four counts of entry of a gaming establishment by an excluded person because he was not provided the required notice.<sup>1</sup> See NRS 463.155 (requiring person to be placed on the list of excluded persons pursuant to NRS 463.151); NRS 463.151(2) (granting Gaming Commission the authority to establish regulations pertaining to list). We disagree. The State Gaming Control Board provided the required notice to Morris by certified mail and personal service in December 1993, see NV Gaming Regulation 28.060(1), and

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<sup>1</sup>To the extent that Morris challenges the Gaming Commission's notice provisions and his placement on the "Black List" for procedural due process, this claim is not appropriately raised on direct appeal from his criminal conviction. See NRS 463.143(3)(b); NRS 463.315 to 463.318, inclusive.

Morris' exclusion from licensed gaming establishments went into operative effect on February 24, 1994, when the Gaming Commission ordered his name to be placed on the list of excluded persons<sup>2</sup> after Morris received the required notice and opportunity for a hearing, see NV Gaming Regulation 28.030(2).

Morris also contends that there was insufficient evidence to support his convictions for entry of a gaming establishment by an excluded person because the State did not prove that he had actual knowledge that his name was placed on the list. However, NRS 463.155 is a strict liability crime that does not require proof of actual knowledge that his name was placed on the list. Moreover, Morris gained actual knowledge of his placement on the list when a Nevada gaming control agent testified to this fact during proceedings in Michigan where Morris was present. In addition, Morris stipulated to his entry into the casinos. Therefore, after viewing the evidence in the light most favorable to the prosecution, we conclude that any rational trier of fact could have found the essential elements of the crimes beyond a reasonable doubt, see NRS 463.155; Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008), and we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

<sup>2</sup>A copy of the Commission's order was admitted into evidence during Morris' trial.

cc: Hon. Jerome T. Tao, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk