

IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON LARUE SIMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60771

**FILED**

JAN 16 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malow*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of burglary, forgery, and theft. Eighth Judicial District Court, Clark County; Stefany Miley, Judge. Appellant Aaron Larue Sims raises two issues on appeal.

First, Sims contends that insufficient evidence supports his convictions because the State did not establish that he was the person who cashed the check. We disagree because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

Christina Newman worked as a cashier at Sam's Town Casino. She testified that a person approached her work station in order to cash an HMS Host payroll check made out to "Arron Sim." She took two forms of identification from the person presenting the check: his state-issued identification card and his social security card. These documents identified the person as "Aaron Larue Sims." Ms. Newman compared the signature on the check with the signature on the identification and she compared the photograph on the identification with the person who

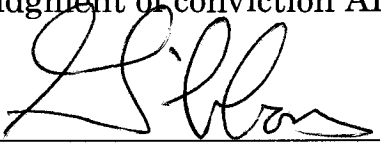
presented it. She copied some information from the identification onto the check and finished cashing the check. The jury was shown surveillance videos of the transaction. A detective testified that the identification information copied onto the check matched the DMV record for the identification issued to Aaron Larue Sims.


It is for the jury to determine the weight and credibility to give conflicting testimony, McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992), and circumstantial evidence alone may sustain a conviction. Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003). A jury's verdict will not be disturbed on appeal where, as here, sufficient evidence supports the verdict, Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also NRS 205.060; NRS 205.0832; NRS 205.0835; NRS 205.090; NRS 205.110.

Second, Sims contends that the district court erred by allowing the State to introduce a photocopy of the check at issue rather than the original in violation of the best evidence rule. "We review a district court's decision to admit evidence for an abuse of discretion." Mclellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). Although Sims objected to the admission of the photocopy of the check on the basis that the original check was not produced, the best evidence rule was not an absolute bar to its admission, since NRS 52.245(1) allows for the admission of duplicate copies provided no authenticity or fairness issues exist. We have previously held that a document is authenticated when there is sufficient evidence to support a finding that the document is what the proponent claims it to be. See Thomas v. State, 114 Nev. 1127, 1147-48, 967 P.2d 1111, 1124 (1998). As described above, Sims provided Newman with two forms of identification. Newman copied information from Sims'

identification onto the check. She also signed her name and date-stamped the check. Given the fact that the check had been photocopied with unique identifying information that Newman recognized, we conclude that she adequately authenticated the photocopy and that there was sufficient evidence to support a finding that the photocopy was what it purported to be. Accordingly, we conclude the district court did not abuse its discretion by admitting the photocopy, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Stefany Miley, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk