IN THE SUPREME COURT OF THE STATE OF NEVADA

MAURICE CARROLL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62740

FILED

JAN 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of obtaining money by false pretenses and 17 counts of offering a false instrument for filing or recording. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

First, appellant Maurice Carroll contends that NRS 239.330 (offering a false instrument for filing or recording) is unconstitutionally vague. A statute is void for vagueness "if it fails to sufficiently define a criminal offense such that a person of ordinary intelligence would be unable to understand what conduct the statute prohibits." *Nelson v. State*, 123 Nev. 534, 540, 170 P.3d 517, 522 (2007). We review a statute's constitutionality de novo. *Id.*

NRS 239.330 states that "[a] person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office . . . is guilty of a category C felony." Carroll asserts that, because NRS 239.330 does not define "procure" or "offer," it fails to give reasonable notice of the conduct the statute

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prohibits. We disagree. The "well settled and ordinarily understood meaning" of the words, "when viewed in the context of the entire statute," provides sufficient notice to a person of ordinary intelligence of the conduct prohibited. *Nelson*, 123 Nev. at 540, 170 P.3d at 522. Accordingly, we conclude that Carroll fails to demonstrate that NRS 239.330 is unconstitutionally vague.[1]

Second, Carroll contends that insufficient evidence supports his convictions for offering a false instrument for filing or recording relating to Brent Cox and Cesar Sanchez. We disagree.

At trial, testimony was presented that a company named Richland Holdings contracted with Carroll to serve summonses and complaints to debtors it was seeking to collect from. On May 13 and June 13, 2010, Carroll claimed to have personally served 23 debtors. Carroll wrote out affidavits averring such and returned them to Richland Holdings in exchange for a fee. After none of the debtors responded, the affidavits were filed with the Las Vegas Justice Court's Civil Division in an attempt to obtain default judgments against the debtors. Each of the debtors, other than Cox and Sanchez, testified at trial that Carroll never served them with a complaint or summons.

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[1]Carroll also asserts that the statute is unconstitutionally vague as applied to him because his conduct did not implicate NRS 239.330. Based upon the evidence presented at trial, we disagree.

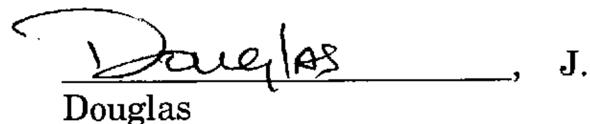
Although Cox and Sanchez did not testify at trial, evidence was presented that Carroll never served them with a summons or complaint and the information in his affidavits was false. Carroll averred that he effectuated service of Cox at 11:15 a.m. on May 13, 2010, by personally delivering a summons and complaint to Cox at his residence. But Cox's real estate agent testified that Cox and his wife had left the country on April 12, 2010, and had not returned, and that the residence was vacant on May 13, 2010. Carroll averred that he effectuated service of Sanchez at 11:25 a.m. on May 13, 2010, by personally delivering a summons and complaint to Sanchez at his residence. But evidence was presented at trial that the address identified by Carroll did not exist. Evidence was also presented that, based on the locations of the various debtors' residences, it would have been extremely difficult for Carroll to effectuate the services at the times averred to in his affidavits. We conclude that 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* NRS 239.330; *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008). Circumstantial evidence is enough to support a conviction, *Lisle v. State*, 113 Nev. 679, 691-92, 941 P.2d 459, 467 (1997), *holding limited on other grounds by Middleton v. State*, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998), and the jury's verdict will not be disturbed on appeal where it is supported by sufficient evidence. *See*

Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); *see also McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

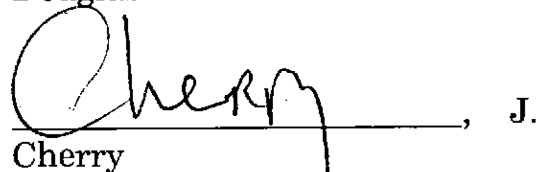
Accordingly, we

ORDER the judgment of conviction AFFIRMED.[2]

_______________, J.
Hardesty



_______________, J.
Douglas



_______________, J.
Cherry

cc: Hon. Elissa F. Cadish, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[2]We note that despite appellant's certification that the brief utilizes 14-point Times New Roman font, the font in the brief appears to be smaller. *See* NRAP 32(a)(5). We also note that the State's certificate of compliance is deficient because it does not indicate the number of words contained in the brief as required by NRAP 32(a)(8)(B) and NRAP 3C(h)(3). We caution counsel for both parties that future failure to comply with the Nevada Rules of Appellate Procedure when filing briefs with this court may result in the imposition of sanctions. *See* NRAP 3C(n); NRAP 28.2(b).