

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTAN THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67887

**FILED**

OCT 20 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a jury verdict, for felon in possession of a firearm. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant Christan Thomas contends the evidence presented at trial was insufficient to support the jury's finding of guilt. We disagree.

When reviewing a challenge to the sufficiency of the evidence, we review the evidence in the light most favorable to the prosecution and determine whether "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008). "[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass upon the credibility of the witness." *Walker v. State*, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). And circumstantial evidence is enough to support a conviction. *Lisle v. State*, 113 Nev. 679, 691-92, 941 P.2d 459, 467-68 (1997), *holding limited on other grounds by Middleton v. State*, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998).

At trial, evidence was presented that Thomas and his passenger were pulled over for a traffic violation. The vehicle belonged to

a relative of the passenger. The police officer was informed neither Thomas nor his passenger had valid driver's licenses. The officer decided to have the vehicle towed and performed an inventory search. During the inventory search, a firearm was found in the glove box. Thomas' passenger testified that as they were being pulled over, Thomas directed her to grab the firearm from the back seat and place it in the glove box. Thomas also asked whether he was being arrested for felon in possession prior to knowing whether the officers had found the firearm.

The jury could reasonably infer from the evidence presented that Thomas exercised constructive possession of the firearm. See NRS 202.360(1)(a); *Palmer v. State*, 112 Nev. 763, 768, 920 P.2d 112, 115 (1996) ("A person who, although not in actual possession, knowingly has both the power and intention at a given time to exercise dominion and control over a thing, either directly or through another person or persons, is then in constructive possession of it." (internal quotation marks omitted)). It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. 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.



Gibbons

, C.J.



Tao

, J.



Silver

, J.

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