

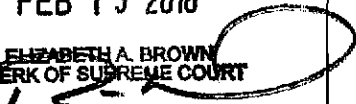
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADAM MONTRELL GOBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 71264

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Adam Montrell Gober appeals from a judgment of conviction entered pursuant to a jury verdict of burglary while in possession of a deadly weapon and two counts of attempted robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


Gober argues there was insufficient evidence to support the jury's finding that he used a deadly weapon while committing the crimes. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); *see also Jackson v. Virginia*, 443 U.S. 307, 319 (1979).


The record demonstrates the convenience store manager testified Gober walked into an employee area, lifted his shirt to display a firearm tucked into the waistband of his pants, and demanded she open the store safe. The convenience store clerk also testified she viewed a firearm tucked into Gober's waistband when he lifted his shirt. In addition, the witnesses testified Gober threatened a "shootout" if anyone called the police. A police officer arrived during the commission of the crimes, Gober fled, and

the officer later apprehended him. A search of the area revealed a discarded BB gun matching the description provided by the witnesses.

Based on this testimony and evidence, the jury could reasonably find Gober possessed and used a deadly weapon when committing burglary and attempting to commit robbery. See NRS 193.330(1)(a)(2); NRS 193.165(1), (6); NRS 200.380(1); NRS 205.060(1), (4). 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). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk