

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON PAUL CARROLL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75406

**FILED**

APR 25 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count leaving the scene of an accident with bodily injury. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

On December 10, 2016, Jason Carroll struck a motorcyclist with his vehicle and drove away, leaving the victim with several injuries, including 47 broken bones. After a three-day jury trial, the jury found Carroll guilty of leaving the scene of an accident with bodily injury. Carroll appeals his conviction, arguing that the State presented insufficient evidence to convict him because at the time of the accident, he was being chased and therefore was justified in leaving the scene out of necessity.

“When reviewing a criminal conviction for sufficiency of the evidence, this court determines whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt when viewing the evidence in the light most favorable to the prosecution.” *Brass v. State*, 128 Nev. 748, 754, 291 P.3d 145, 149-50 (2012). “[I]t is the jury’s function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses.” *Nolan v. State*, 122 Nev. 363, 377, 132 P.3d 564, 573 (2006) (internal quotation marks omitted). Under NRS 484E.010, a person is guilty of leaving the scene of an accident with bodily

injury if the person drives a vehicle on a public road and is subsequently involved in an accident that results in bodily injury, but does not stop his vehicle at the scene to provide pertinent information and to render reasonable assistance. NRS 484E.010(1); *see also* NRS 484E.030.

Here, the State presented overwhelming evidence that Carroll hit the motorcyclist with his vehicle and then drove away from the scene, leaving the victim severely injured. The evidence adduced at trial demonstrated that prior to the accident, Carroll argued with two people in a restaurant parking lot, drawing the attention of three other men. Once Carroll saw the three men walking toward him, he got into his vehicle and drove away. Carroll grazed one of the three men with his car, and upon driving out of the parking lot, Carroll hit the motorcyclist and kept going.

Thereafter, two of the men who witnessed the accident tried to locate Carroll while the other witness stayed with the victim. The two witnesses apprehended Carroll in a park nearby until police arrived and arrested him. The State also presented another witness's cellular phone video showing that after the accident, Carroll drove to a park and removed a black bag from under the hood of his car. Notably, the video did not show Carroll being chased, and the eyewitness who filmed Carroll did not see anyone chasing Carroll. The police ultimately found the black bag containing drug paraphernalia, marijuana, and methamphetamine in the park. Latent fingerprints obtained from this evidence conclusively matched Carroll's fingerprints.

Although Carroll proffered the defense of necessity, the jury determines the weight of evidence and the credibility of witnesses, not the court. *Rose v. State*, 123 Nev. 194, 202-03, 163 P.3d 408, 414 (2007) (internal quotations omitted). Therefore, viewing the evidence in the light

most favorable to the prosecution, we conclude that a rational juror could have found that Carroll struck and injured a motorcyclist with his vehicle, and thereafter left the scene of the accident to avoid being caught with the drugs in his vehicle—as opposed to escaping from men chasing him. We therefore conclude that sufficient evidence supports Carroll's conviction for leaving the scene of an accident with bodily injury. For the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.

*Hardesty*, J.  
Hardesty

*Stiglich*, J.  
Stiglich

*Silver*, J.  
Silver

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