

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

No. 37102

Appellant,

vs.

TY ALAN KUIPER,

Respondent.

**FILED**

**MAY 17 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF REMAND

This is an appeal from an order of the district court granting respondent's motion to set aside a jury verdict and enter an order of acquittal. The State contends that the district court erred because sufficient evidence was adduced to support the guilty verdict. We agree.

Our review of the record reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>1</sup>

In particular, we note that: respondent's father testified that respondent was "taking care of" his father's possessions, including the rifles that were found in the closet in respondent's bedroom; respondent's brother testified that respondent was the only family member living in the home, and that respondent was "taking care of" the home and its contents, including the rifles found in the closet; and respondent himself testified that he was in charge of the home and its contents, including the rifles.

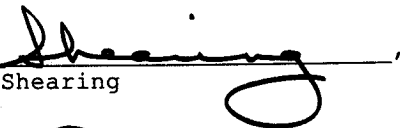
The jury could reasonably infer from the evidence presented that respondent had the rifles under his custody or

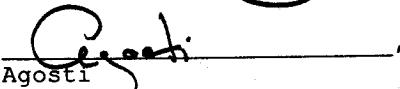
<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

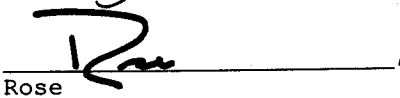
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control.<sup>2</sup> We therefore conclude that the district court erred by granting the motion and entering a judgment of acquittal.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court VACATED AND REMAND this matter to the district court for sentencing and the entry of a judgment of conviction pursuant to the jury's verdicts.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Rose

cc: Hon. John S. McGroarty, District Judge  
Attorney General  
Clark County District Attorney  
Wolfson & Glass  
Clark County Clerk

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<sup>2</sup>NRS 202.360(1) provides that an ex-felon "shall not own or have in his possession or under his custody or control any firearm."

<sup>3</sup>Cf. *Evans v. State*, 112 Nev 1172, 1193, 926 P.2d 265, 279 (1996) ("where there is insufficient evidence to support a conviction, the trial judge may set aside a jury verdict of guilty and enter a judgment of acquittal").