

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COREY THOMAS BARNETT, A/K/A  
CORY THOMAS BARNETT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71132

**FILED**

OCT 11 2017

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

*ORDER OF AFFIRMANCE*

Corey Thomas Barnett appeals from a judgment of conviction, pursuant to a jury verdict, of possession of a controlled substance and ownership or possession of firearm by a prohibited person. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

Barnett argues there was insufficient evidence to support the jury's finding of guilt for ownership or possession of a firearm by a prohibited person because the evidence produced at trial did not demonstrate he exercised dominion and control over the firearm. 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).


A police officer testified he was advised of a call reporting a suspicious vehicle. Upon investigation, the officer discovered a woman in the driver's seat and Barnett in the front passenger seat. After Barnett and the woman exited the vehicle, a second officer noticed a firearm on the floor on the driver's side of the vehicle. The officers then discovered the vehicle was registered to Barnett's mother, Barnett had the authority to use the

vehicle, and the firearm did not belong to the woman. Both officers testified a person could easily reach the firearm from the front passenger seat. The State further demonstrated Barnett had a prior conviction for possession of a controlled substance, a felony.

Based on this evidence and testimony, the jury could reasonably find Barnett exercised constructive possession of the firearm and committed ownership or possession of a firearm by a prohibited person. See NRS 202.360(1)(a); *Palmer v. State*, 112 Nev. 763, 768, 920 P.2d 112, 115 (1996). 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. Douglas Smith, District Judge  
Law Office of Benjamin Nadig, Chtd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk