

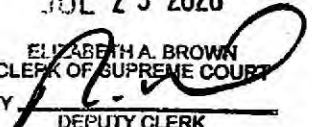
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIE CHARLES WILLIAMS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79666-COA

**FILED**

JUL 23 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Willie Charles Williams appeals from a judgment of conviction, pursuant to a jury verdict, of second-degree murder with the use of a deadly weapon and ownership or possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

The State charged Williams with murder with use of a deadly weapon and ownership or possession of a firearm by a prohibited person relating to the fatal shooting of Charles Flowers.<sup>1</sup> Flowers saw Williams standing on the street and told a friend that he wanted to talk with him about something. Flowers approached Williams and, after a brief conversation, Williams shot Flowers four times, killing him.

The police did not recover the murder weapon, and no witnesses admitted seeing Williams shoot Flowers. However, two witnesses, Shawana Johnson and Devon Smith, saw Williams flee the scene immediately after the shooting. Johnson testified that she heard Flowers tell a friend he was going to talk to "him," saw Flowers approach Williams, and—although she looked away—heard four gunshots. When Johnson looked up, she saw Williams run, jump over a garbage dumpster, and hop over the apartment complex wall. Smith testified that he was playing

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<sup>1</sup>We do not recount the facts except as necessary to our disposition.

basketball on the other side of the apartment complex wall and looked over the wall and saw Flowers talking to Williams just before the shooting. After hearing gunshots, Smith then saw Williams hop over the wall with a black gun. The testimonies of Johnson and Smith were corroborated by surveillance video that recorded Williams fleeing the scene just as they described.

Shortly after the shooting, Smith contacted Flowers' brother to tell him that he knew who killed his brother. When interviewed by police, Smith identified Williams as the "killer" and told detectives that he was "9.7 out of 10 sure" that he saw Williams "hoppin' [the] wall with a black gun." Smith provided the same testimony before the grand jury. However, at trial, Smith changed his story and claimed he did not recall the shooting, what he told detectives, or his testimony before the grand jury. The State provided the jury with Smith's written statement to detectives and a transcript of his grand jury testimony pursuant to NRS 51.035(2) (permitting the admission of hearsay when the statement is "[i]nconsistent with the declarant's testimony," "[o]ne of identification of a person made soon after perceiving the person," or "[a] transcript of testimony given under oath . . . before a grand jury").

The State also introduced evidence of assorted 9 millimeter (mm) Luger ammunition recovered from Williams' room after the shooting, ammunition of the same caliber as four 9 mm Luger bullets recovered from Flowers' body. Further, a detective testified that the ammunition recovered consisted of a mixture of cartridges having varying Winchester headstamps, indicating that the ammunition was from different boxes that were manufactured by various Winchester subsidiaries. To connect the ammunition recovered from Williams' room to the bullets recovered from

Flowers' body, a forensic detective specializing in firearms testified that the bullets recovered from Flowers' body were also a mixture of 9 mm bullets from different boxes manufactured by different subsidiaries of Winchester. For example, one bullet from Flowers' body was manufactured by Winchester Military Ammunitions while another was manufactured by Wester Cartridge Company.

The State also produced other evidence placing Williams at the scene, including a cup recovered near the crime scene with Williams' DNA and surveillance images of Williams at a community center near the apartment complex about an hour before the shooting.

The jury convicted Williams of second-degree murder with use of a deadly weapon and ownership or possession of a firearm by a prohibited person. He was sentenced to concurrent and consecutive prison terms totaling 18 years to life in the aggregate.

On appeal, Williams argues that the evidence adduced at trial was insufficient to support his convictions because no witness saw him shoot Flowers, the police never recovered the gun, the State failed to offer a motive, Smith—the only witness to allege Williams had a gun—changed his story and lacked credibility, and the State only proved that he was merely present at the crime scene, which is not a crime. We disagree.

We will not reverse a jury's verdict on appeal when that verdict is supported by substantial evidence. *Moore v. State*, 122 Nev. 27, 35, 126 P.3d 508, 513 (2006). "There is sufficient evidence if the evidence, viewed in the light most favorable to the prosecution, would allow any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt." *Leonard v. State*, 114 Nev. 1196, 1209-10, 969 P.2d 288, 297 (1998). Conversely, evidence is insufficient when "the prosecution has not produced

a minimum threshold of evidence upon which a conviction may be based, even if such evidence were believed by the jury.” *Evans v. State*, 112 Nev. 1172, 1193, 926 P.2d 265, 279 (1996) (emphasis omitted) (quoting *State v. Purcell*, 110 Nev. 1389, 1394, 887 P.2d 276, 279 (1994)).

After reviewing Williams’ opening brief, we conclude that Williams failed to cogently argue how the jury verdict is unsupported by substantial evidence. Despite the seriousness of the conviction, Williams provides a mere two pages of argument on appeal. He does not provide legal authority or citations to the record to support his challenge to the sufficiency of evidence for his conviction. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (providing that this court need not address issues not cogently argued or supported by relevant authority); *see also* NRAP 28(a)(10)(A) (requiring an appellant to cite to the legal authorities and parts of the record that support his or her arguments).

Nonetheless, we conclude that his conviction is supported by substantial evidence. Although the State relied on circumstantial evidence to convict Williams, “circumstantial evidence alone may support a conviction.” *Hernandez v. State*, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002); *see also Wilkins v. State*, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980) (“[A] jury may reasonably rely upon circumstantial evidence; to conclude otherwise would mean that a criminal could commit a secret murder, destroy the body of the victim, and escape punishment despite convincing circumstantial evidence against him or her.” (citation omitted)).

The record shows that Williams was present at the scene, spoke with Flowers just before the shooting, and fled the crime scene seconds after the shooting. Further, the evidence established that the four bullets recovered from Flowers’ body were 9 mm Lugar bullets that were a mix of

bullets made by different Winchester subsidiaries, and the same mix of 9 mm ammunition manufactured by Winchester subsidiaries was found in Williams' room.

Williams argues that Smith's testimony lacked credibility and weight, but the credibility and weight of evidence are questions for the jury. Moreover, although Smith later changed his story, his earlier statements to the police and grand jury testimony were corroborated by Johnson and by surveillance video. The jury properly evaluated the weight and credibility of all of this evidence and we will not second-guess its decision. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (recognizing that the jury's role is "to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts"); *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) ("[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." (quotation marks omitted)).

Finally, Williams does not dispute that he was legally prohibited from possessing a firearm under NRS 202.360 (prohibiting certain persons from owning or possessing a firearm). His only challenge to his conviction for this crime is his allegation that he did not possess a firearm because he did not commit the murder. Once the jury found him guilty of the murder, the jury was free to logically conclude that he illegally possessed a firearm as well.

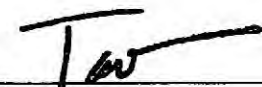
Viewing the evidence in a light most favorable to the prosecution, we conclude that Williams' convictions for second-degree murder with use of a deadly weapon and ownership or possession of a firearm by a prohibited person are supported by substantial evidence. *See* NRS 193.165 (deadly weapon enhancement); NRS 200.010 (defining

murder); NRS 200.020 (defining express and implied malice); NRS 200.030 (providing the degrees of murder).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michelle Leavitt, District Judge  
Benjamin Durham Law Firm  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk