


IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB ALEXANDER WOODS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87123

FILED

DEC 11 2024

ELIZABETH A. BROOKS  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

ORDER OF AFFIRMANCE

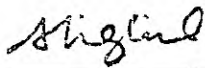
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of felon in possession of a firearm. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

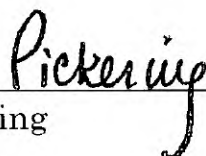
Appellant Jacob Woods argues that there was insufficient evidence to sustain the conviction for felon in possession of a firearm. Because the jury acquitted Woods of the other charges (battery with the use of a deadly weapon causing substantial bodily harm, discharging a firearm from within a vehicle, and attempted robbery with the use of a deadly weapon), Woods contends that the verdicts were inconsistent. Even assuming that the verdicts were inconsistent, that is not a basis for reversal where the verdict is otherwise supported by sufficient evidence. *See United States v. Powell*, 469 U.S. 57, 67 (1984) (“[A] criminal defendant already is afforded protection against jury irrationality or error by the independent review of the sufficiency of the evidence undertaken by the trial and appellate courts.”); *Greene v. State*, 113 Nev. 157, 173-74, 931 P.2d 54, 64 (1997), (holding that inconsistent verdicts are permitted when supported by sufficient evidence), *receded from on other grounds by Byford v. State*, 116 Nev. 215, 235, 994 P.2d 700, 713 (2000).


When reviewing for “sufficiency of the evidence, we must decide whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Higgs v. State*, 126 Nev. 1, 11, 222 P.3d 648, 654 (2010) (internal quotations marks omitted). “[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass upon the credibility of the witness.” *Walker v. State*, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). “Circumstantial evidence alone may sustain a conviction,” *Walker v. State*, 113 Nev. 853, 861, 944 P.2d 762, 768 (1997) (internal quotation marks omitted), and jurors are allowed to draw reasonable inferences from the evidence presented, *Wilkins v. State*, 96 Nev. 367, 374-75, 609 P.2d 309, 313-14 (1980).

After reviewing the record, we conclude that the State presented sufficient evidence from which a rational trier of fact could have found the elements of the crime. See NRS 202.360(1) (defining felon in possession of a firearm). That evidence includes the victim’s testimony that Woods referred to the firearm as belonging to him, the victim’s testimony that Woods shot him, statements from other witnesses indicating Woods possessed the firearm, surveillance footage of the incident, and the gun holster found in Woods’ truck. And Woods concedes that the State provided sufficient evidence that Woods is a convicted felon. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Barry L. Breslow, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk