

IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE CHAVEZ-VALENCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38309

FILED

MAR 28 2002

J. WETTE M. BLOW
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of trafficking in a controlled substance. The district court sentenced appellant Jorge Chavez-Valencia to serve two concurrent prison terms of life with parole eligibility after 10 years.

Appellant's sole contention is that the evidence presented at trial was insufficient to support the jury's finding that he possessed the drugs found in the vehicle. We disagree.

"The relevant inquiry for this Court is '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.'"¹ In cases involving the possession of narcotics, this court has stated that "'possession may be imputed when the contraband is found in a location which is immediately and exclusively accessible to the

¹Koza v. State, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

accused and subject to [his] dominion and control."² The two elements of possession of a controlled substance, dominion/control and knowledge, may be proven "by circumstantial evidence and reasonably drawn inferences."³

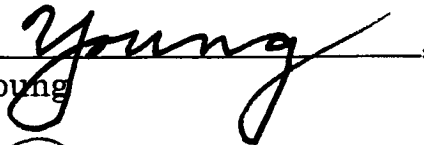
The record on appeal reveals sufficient evidence to establish appellant's possession of the contraband found in the Ford vehicle. In particular, we note that officers observed appellant driving the Ford one day prior to his arrest and, on the day of his arrest, appellant possessed the keys to that vehicle and admitted that he had been driving it for "some time." Additionally, a search of appellant's house, conducted contemporaneously with the search of the Ford, uncovered a buy-owe drug pay sheet, a digital scale, a pager, gallon-sized ziplock baggies, and duct tape. Finally, officers observed appellant, as well as the Ford, at the location of an undercover narcotics operation controlled drug-buy prior to his arrest. The jury could reasonably infer from this evidence that appellant occupied and controlled the vehicle and had knowledge of the controlled substances within it.


²Sheriff v. Shade, 109 Nev. 826, 830, 858 P.2d 840, 842 (1993) (quoting Glispey v. Sheriff, 89 Nev. 221, 223, 510 P.2d 623, 624 (1973)).


³Id. (quoting Fairman v. Warden, 83 Nev. 332, 336, 431 P.2d 660, 663 (1967)).

Having considered appellant's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. James W. Hardesty, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk