

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUANRUI SHI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89047

FILED

NOV 20 2025

ELIZABETH A. BROWN
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 attempted murder with the use of a deadly weapon and discharging a firearm at or into an occupied structure, vehicle, aircraft or watercraft. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge. Appellant Guanrui Shi raises two issues on appeal.

Sufficiency of the evidence

Shi contends that the State did not present sufficient evidence to sustain the convictions. When reviewing a claim for sufficiency of the evidence, we consider “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.” *Barber v. State*, 131 Nev. 1065, 1071, 363 P.3d 459, 464 (2015) (quoting *Rose v. State*, 123 Nev. 194, 202, 163 P.3d 408, 414 (2007)).

Shi argues that the lack of direct evidence showing that Shi fired the bullet at the victim or that Shi had the specific intent to kill requires reversal. We disagree because “circumstantial evidence alone may support a conviction.” *Hernandez v. State*, 118 Nev. 513, 531, 50 P.3d 1100,

1112 (2002). And here, the State presented overwhelming circumstantial evidence that Shi fired the shot with the requisite intent to kill, including Shi's admission that he was at the scene in his truck's camper, which was set up as a sniper hideout, when the shot was fired. The camper was outfitted with sound-deadening foam and blackout curtains. From inside the camper, police recovered an assault rifle, a silencer, a scope, and ammunition that was consistent with the bullet recovered in the victim's car. Evidence showed the bullet that hit the victim's car came from the camper's direction, and no other potential suspect was at the scene. Finally, Shi drove away hurriedly within 90 seconds of the shot being fired.

Based on this evidence, a rational juror could find the essential elements of attempted murder and discharging a firearm into an occupied vehicle beyond a reasonable doubt. See NRS 193.153(1)(a)(1) (providing punishment for attempt); NRS 200.010 (murder); NRS 202.285(1)(b) (discharging a firearm into an occupied vehicle); see also *Sharma v. State*, 118 Nev. 648, 659, 56 P.3d 868, 874 (2002) (“[I]ntent can rarely be proven by direct evidence of a defendant’s state of mind, but instead is inferred by the jury from the individualized, external circumstances of the crime, which are capable of proof at trial.”); *Washington v. State*, 132 Nev. 655, 663, 376 P.3d 802, 808 (2016) (“Intent to kill can be inferred from the circumstances surrounding the killing.”). Therefore, no relief is warranted on this ground.

Jury instructions

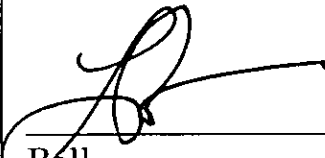
Shi argues the district court erred in instructing the jury on the different definitions of malice. Because Shi did not object below, we review for plain error. See NRS 178.602 (providing for plain error review). “Before this court will correct a forfeited error, an appellant must demonstrate that: (1) there was an error; (2) the error is plain, meaning that it is clear under

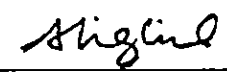
current law from a casual inspection of the record; and (3) the error affected the defendant's substantial rights." *Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018) (internal quotation marks omitted).

Here, jury instruction 12 defined attempted murder and instructed that the acts must be done with "express malice, namely, with the deliberate intention unlawfully to kill." Jury instruction 25 defined "malice" but its definition only concerned implied malice. The implied malice standard, which was applicable to the discharging-a-firearm charge, did not apply to the attempted-murder charge, and the instruction's failure to reflect this was misleading to the jury. *See Keys v. State*, 104 Nev. 736, 740, 766 P.2d 270, 273 (1988) ("Attempted murder can be committed only when the accused's acts are accompanied by *express malice*, malice in fact."). But Shi concedes that jury instruction 12 properly instructed the jurors on the requisite intent to kill for attempted murder, and the State argued consistently at trial and in closing that the jury must find Shi intended to kill the victim and emphasized the requisite express malice for attempted murder. We therefore conclude that Shi has not demonstrated that this error affected his substantial rights under these facts. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Ronald J. Israel, District Judge
Matsuda & Associates, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk