

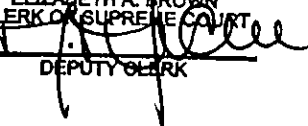
IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRELL MITCHELL HOLLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89516

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 grand larceny, willful injury to or destruction of property having a value of \$250 or more, and four counts of burglary of a business. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge. Appellant Tyrell Mitchell Holley raises two issues on appeal.

Holley first challenges the sufficiency of the evidence supporting his identification as the perpetrator of the burglary. In reviewing the sufficiency of the evidence in a criminal case, we consider “whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt, after viewing the evidence in the light most favorable to the prosecution.” *Morgan v. State*, 134 Nev. 200, 216, 416 P.3d 212, 227 (2018) (quoting *Jackson v. State*, 117 Nev. 116, 122, 17 P.3d 998, 1002 (2001)). “It is well established that the jury determines the weight of the evidence and credibility of the witnesses.” *Id.*

At trial, the State presented surveillance footage of a man matching Holley’s appearance committing the burglary of a jewelry store. Specifically, the surveillance footage depicts the burglar wearing a bandana

covering only the bottom portion of his face and shows the burglar entering the jewelry store, removing items, and exiting. In addition to the surveillance video itself, two police officers who were familiar with Holley testified that they recognized him as the person on the surveillance video based on his mannerisms, gait, build, and appearance. *See Rossana v. State*, 113 Nev. 375, 380, 934 P.2d 1045, 1048 (1997) (permitting lay witnesses to provide opinion testimony identifying the perpetrator of a crime from surveillance images when “the witness is more likely to correctly identify the defendant from the photograph than is the jury” (quoting *United States v. Towns*, 913 F.2d 434, 445 (7th Cir. 1990))). The State also introduced DNA evidence linking Holley to a pipe wrench used during the burglary and found inside the jewelry store. Viewing the evidence in the light most favorable to the prosecution, we conclude sufficient evidence supports Holley’s convictions.

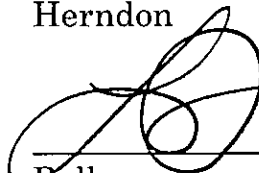
Holley also contends that the district court erred in overruling his objection to testimony about a detective using basic computer tools to try to view the suspect’s face in the surveillance video more clearly. The detective testified that enlarging and enhancing the video allowed him to see a tattoo on the burglar’s face that matched Holley’s tattoo. Holley asserts that the testimony violated the best evidence rule because the State did not introduce the resulting image. We have reservations about the propriety of allowing a witness to testify to the contents of an enhanced version of evidence without submitting it to the jury. But even crediting Holley’s argument that the testimony was improper, we conclude reversal is not warranted because any error was harmless. *See* NRS 178.598.

Here, the original recording was played for the jury, and while no tattoo is readily apparent, Holley’s mask only covers his mouth, leaving

his nose, ears, eyes, and head exposed. Aside from the challenged testimony, the jury was presented with Holley's appearance in the courtroom, a video of Holley taken close to the time of the burglary, and testimony from other police officers identifying the burglar as Holley based on the unenhanced original surveillance footage. We are therefore convinced the detective's passing testimony about any enlarged version of the surveillance video had no substantial or injurious effect or influence on the verdict. *See Tavares v. State*, 117 Nev. 725, 732, 30 P.3d 1128, 1132 (2001) (explaining that an error is harmless unless it had a "substantial and injurious effect or influence" on the jury's verdict), *modified in part by Mclellan v. State*, 124 Nev. 263, 270, 182 P.3d 106, 111 (2008). Thus, no relief is warranted on this ground. Accordingly, we,

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Kriston N. Hill, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk