


IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM CASS JACKSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89016

FILED

FEB 26 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER AFFIRMING IN PART, VACATING IN PART AND
REMANDING*

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of burglary while in possession of a deadly weapon; first-degree kidnapping with the use of a deadly weapon resulting in substantial bodily harm, victim 60 years of age or older; attempted robbery with the use of a deadly weapon, victim 60 years of age or older; attempted murder with the use of a deadly weapon, victim 60 years of age or older; battery with the use of a deadly weapon resulting in substantial bodily harm, victim 60 years of age or older; three counts of discharge of a firearm from within a structure or vehicle; mayhem with the use of a deadly weapon; assault with a deadly weapon; assault on a protected person with the use of a deadly weapon; resisting a public officer with the use of a firearm; and carrying a concealed firearm. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.¹ Appellant William Cass Jackson raises six issues on appeal.

¹Although Judge Delaney's name appears on the judgment of conviction and she presided over some proceedings in the case, Senior Judge David Barker presided at trial and sentencing.

Sufficient evidence supports Jackson's convictions for discharging a firearm in a populated area

Jackson argues the State presented insufficient evidence to support the convictions for discharging a firearm in a building, particularly the element requiring that the building be located in an area designated as populated by a city or county ordinance. In assessing the sufficiency of the evidence, "[t]he relevant inquiry 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." *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (citation modified).

NRS 202.287(1)(b) prohibits discharging a firearm inside a building in an area designated as populated by a city or county ordinance. The State must prove the existence and applicability of the ordinance. Here, the State presented evidence that Jackson kidnapped his mother and brought her to a bank where she withdrew money at his demand. When she tried to escape into a bank office, Jackson shot her. The State presented a map, which a witness testified designated city-county areas. The witness also testified, based on the map, that the bank where Jackson shot his mother was located in an area designated as populated for the purpose of discharging firearms. A rational juror could conclude based on this testimony that Jackson discharged his firearm in an area designated as populated by a city or county ordinance, and thus sufficient evidence supports his convictions.

Jackson's conviction for mayhem is duplicative of the conviction for battery causing substantial bodily harm

Jackson argues that the convictions for mayhem and battery with the use of a deadly weapon are duplicative. The State concedes this

issue. We agree and vacate Jackson's mayhem conviction.² *See Jackson v. State*, 128 Nev. 598, 610 n.8, 291 P.3d 1274, 1282 n.8 (2012) (concluding battery causing substantial bodily harm and mayhem convictions are mutually exclusive).

The trial court did not abuse its discretion by refusing to refer Jackson to competency court

Jackson also argues the district court abused its discretion by refusing to refer him to a third competency hearing before trial. *See Olivares v. State*, 124 Nev. 1142, 1148, 195 P.3d 864, 868 (2008) (reviewing referrals to competency for an abuse of discretion). A district court abuses its discretion "when there is reasonable doubt regarding a defendant's competency and the district court fails to order a competency evaluation." *Id.*

After two competency evaluations—one finding Jackson incompetent after which he was restored to competency, and a second finding Jackson competent—Jackson reraised the issue of his competency shortly before trial. The trial court thoroughly canvassed Jackson to determine whether there was any reason to doubt Jackson's competency and concluded on the record that Jackson understood the nature of the charges, the nature of the proceedings, and was able to assist his counsel, even if not willing. *See* NRS 178.400(2)(a)-(c). We cannot conclude, based on the detailed canvass, that the court abused its discretion by refusing to refer Jackson to competency court for a third time.

²We vacate rather than reverse because the district court held adjudication of the mayhem conviction in abeyance.

It was error for the same judge to preside over Jackson's settlement conference and trial, but Jackson does not show prejudice

Jackson next argues reversal is warranted because the same judge presided over a pretrial settlement conference and the trial. Jackson did not object below, so he has forfeited the issue for all but plain error review. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). "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." *Id.*

SCR 252(2)(a) provides that in criminal cases, "the settlement conference must not be before the trial judge." Because the same judge presided over the settlement conference and trial, the error is clear from the record. Nevertheless, Jackson has not shown the error affected his substantial rights. Nothing in the record indicates bias on the part of the trial judge, or any decision rooted in information learned during the settlement conference. Therefore, we cannot say from the record that Jackson suffered actual injustice, and no relief is warranted on this issue.

The trial court erred by refusing to disclose evidence after in camera review, but the error does not warrant reversal

Jackson next asserts the State and the trial court withheld favorable evidence, warranting reversal. Several years before trial, Jackson requested impeachment information in reports by the LVMPD's Critical Incident Review Team (CIRT), which conducts administrative investigations of officer-involved shootings. CIRT interviewed Officer Simmons, who exchanged gunfire with Jackson. The State provided the CIRT interview to the district court under seal the day of Officer Simmons's testimony, contesting whether it was discoverable. After Officer Simmons's

direct testimony, the court reviewed the CIRT interview in camera and refused to disclose it to Jackson, determining there was nothing in the CIRT interview upon which Simmons could be impeached.

Our review of the CIRT interview and Officer Simmons's testimony reveals the CIRT interview contained some relevant impeachment information. We thus conclude the district court erred by refusing to disclose the CIRT interview to Jackson. *See United States v. Strifler*, 851 F.2d 1197, 1202 (9th Cir. 1988) ("The trial court must release what it finds relevant, material and probative as to the witnesses [sic] credibility.").

Yet reversal is only warranted if the withheld evidence was material, meaning "there exists a reasonable *possibility* that the claimed evidence would have affected the judgment of the trier of fact." *Jimenez v. State*, 112 Nev. 610, 619, 918 P.2d 687, 692 (1996) (citation modified); *see Strifler*, 851 F.2d at 1202 (concluding reversal is only warranted if the undisclosed evidence was material). Overwhelming forensic and video evidence supports Jackson's convictions related to the gunfight with police, including video in which Jackson's gun audibly fires and the location of shell casings from Jackson's firearm and bullet strikes from that firearm showing that Jackson fired in Officer Simmons's direction. Further, Jackson was able to effectively impeach Officer Simmons's recollection and credibility based on Officer Simmons's other recorded statements, including testimony before the grand jury, which largely mirror Simmons's statements in the CIRT interview. Thus, there was no reasonable possibility that further impeachment based on the CIRT interview would have affected the verdict, and reversal is not warranted.

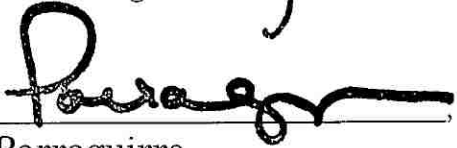
Jackson's claim that the State withheld the CIRT interview fails for the same reason. *See Mazzan v. Warden*, 116 Nev. 48, 67, 993 P.2d 25, 37 (2000) (stating that withheld evidence must be material to warrant reversal).


Cumulative error does not warrant reversal

Jackson argues cumulative error deprived him of a fair trial. While Jackson's crimes are grave, after considering the overwhelming evidence, we conclude that the cumulative effect of any errors does not warrant further relief. *See Valdez v. State*, 124 Nev. 1172, 1195, 196 P.3d 465, 481 (2008). Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell

cc: Hon. Kathleen E. Delaney, District Judge
Hon. David Barker, Senior Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk