

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARVIN ANTHONY THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90470-COA

FILED

MAR 23 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marvin Anthony Thompson appeals from a judgment of conviction, entered pursuant to a jury verdict, of possession, receipt, or transfer of a stolen vehicle. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Thompson claims the district court erred in submitting an instruction to the jury regarding intent over his objection.¹ Thompson argues that possession of a stolen motor vehicle is not a specific intent crime and that the district court should have instead instructed the jury on the definition of “willfully.”

District courts have “broad discretion” in settling jury instructions; therefore, this court generally reviews a district court’s decision regarding jury instructions for abuse of discretion or judicial error. *Crawford v. State*, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005). However,

¹The intent instruction given by the district court mirrored Nevada Pattern Criminal Jury Instruction 6.24 and instructed that intent may be proven by circumstantial evidence and inferred from the circumstances disclosed by the evidence.

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whether a jury instruction is an accurate statement of the law is reviewed de novo. *Nay v. State*, 123 Nev. 326, 330, 167 P.3d 430, 433 (2007).

In overruling Thompson's objection to the intent instruction, the district court determined that possession of a stolen vehicle is a specific intent crime. Thompson was charged with possession, receipt, or transfer of a stolen vehicle in violation of NRS 205.273(1)(b). This crime has two elements: (1) possession of a motor vehicle, (2) that the defendant knows or has reason to believe is stolen. NRS 205.273(1)(b). By its plain terms, NRS 205.273(1)(b) does not require specific intent or mention willfulness; instead, it requires actual or constructive knowledge.² Furthermore, the supreme court has concluded that intent is not an element of NRS 205.273(1)(b). See *Montes v. State*, 95 Nev. 891, 894, 603 P.2d 1069, 1071 (1979) ("The intent element of taking or receiving in [NRS 207.753(1)(a)] is not to be imparted to the second clause which makes mere possession of a vehicle, with the requisite knowledge of its stolen character, a crime."). Thus, the district court erred in giving the jury an irrelevant instruction on how intent may be proven. As a result, we must determine whether the instructional error in this case requires reversal.

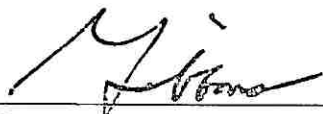
²In requesting the district court instruct the jury as to the definition of "willfully," Thompson argued the instruction comported with the language of the criminal information, which alleged Thompson and his co-defendant "did willfully and unlawfully have in their possession" the subject stolen vehicle. The information provided Thompson with "a plain, concise and definite written statement of the essential facts constituting the offense charged," NRS 173.075(1), and was not dispositive of the elements the State was required to prove beyond a reasonable doubt. We therefore conclude the district court did not err in declining to instruct the jury on willfulness in this case.

“When a jury instruction is inaccurate, we review for harmless error.” *Morrison v. State*, 140 Nev., Adv. Op. 24, 548 P.3d 431, 439 (Ct. App. 2024). “An erroneous jury instruction is harmless only if this court is ‘convinced beyond a reasonable doubt that the jury’s verdict was not attributable to the error and that the error was harmless under the facts and circumstances of the case.’” *Id.* (alteration omitted) (quoting *Honea v. State*, 136 Nev. 285, 289-90, 466 P.3d 522, 526 (2020)). We conclude that the jury instruction error in this case was harmless.

We note that the jury was properly instructed on the elements of the offense, the State’s burden of proof, direct and circumstantial evidence, and the jury’s role in determining credibility and weighing evidence. Furthermore, although the jury instruction on intent was inapposite, it did not instruct the jury that intent was an element of the offense. And the State presented substantial evidence at trial establishing that Thompson was guilty of the charged offense. Thus, the jury’s verdict was not attributable to the district court’s instructional error. Therefore, we conclude the district court’s error in instructing the jury on intent was harmless beyond a reasonable doubt. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk