

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENA JUANA THOMPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90607-COA

FILED

JUN 03 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rena Juana 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.

First, Thompson claims the district court erred in submitting an instruction to the jury regarding intent over objection by her and her co-defendant.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 an abuse of discretion or judicial error. *Crawford v. State*, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005).

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.

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

In overruling the 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 the first clause of [NRS 205.273] 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 her 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. 214, 221, 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 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. We therefore conclude the district court’s error in instructing the jury on intent was harmless beyond a reasonable doubt.

Second, Thompson claims the district court should have awarded her 21 days of presentence credit. Thompson committed the instant crime while on parole for another crime. The record reflects that Thompson was taken into custody on February 8, 2024, and released on bail on March 3, 2024. Thompson was subsequently dishonorably discharged from parole on April 5, 2024. At sentencing, the district court declined Thompson’s request to grant her presentence credit for the time she spent in custody prior to posting bail.

Thompson contends her equal protection rights were violated because a similarly situated person—a person who was on parole but not subject to a parole hold, who was awaiting trial on new charges, but who could afford bail—would have been immediately out of custody pending the new charge while she remained in custody for 21 days. Thus, she argues she should have received presentence credit in the instant case for the time spent in jail while she was paroled but unable to afford bail on the instant case.

“The Equal Protection Clause of the Fourteenth Amendment mandates that all persons similarly situated receive like treatment under the law.” *Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000). “The threshold question in equal protection analysis is whether a statute effectuates dissimilar treatment of similarly situated persons.” *Rico v. Rodriguez*, 121 Nev. 695, 703, 120 P.3d 812, 817 (2005).

Thompson argues that, based on *Kuykendall v. State*, 112 Nev. 1285, 926 P.2d 781 (1996), her inability to post bail demonstrated an equal protection violation and she is entitled to presentence credits toward the instant case. We disagree. In *Gaines*, the Nevada Supreme Court rejected a similar argument and stated that while “NRS 176.055 should be read broadly to provide credit for confinement in instances where a defendant is financially unable to post bail” in order “to prevent an equal protection violation,” the holding in *Kuykendall* was not “intended to alter the unequivocal prohibition of incarceration credit set forth in NRS 176.055(2)(b).” 116 Nev. at 365-66, 998 P.2d at 170. Thus, Thompson fails to demonstrate she is entitled to relief.

Moreover, Thompson fails to demonstrate she was treated differently than similarly situated persons when the district court denied

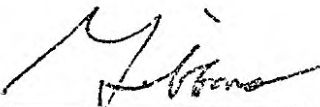
her requested presentence credit. NRS 176.055(2)(b) does not allow a person on parole who commits a subsequent offense to receive presentence credit toward a subsequent sentence for any time in confinement that was within the period of the prior sentence:


A defendant who is convicted of a subsequent offense which was committed while the defendant was: . . . (b) Imprisoned in a county jail or state prison or on probation or parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time the defendant has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked.

The 21 days sought by Thompson were within the period of her prior sentence, and the time she spent in jail was credited toward her previous case. Thompson fails to point to a similarly situated person, *i.e.*, a parolee who committed a subsequent offense and who received presentence credit toward a subsequent sentence for time spent in custody that was within the period of the prior sentence. Thus, she fails to meet her threshold burden that the statute treats similarly situated persons differently and, therefore, fails to demonstrate the equal protection clause is implicated. Accordingly, we conclude Thompson fails to demonstrate she is entitled to additional presentence credits, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

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