

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA EPHRAIM JONES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67976

**FILED**

APR 14 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of unemployment insurance fraud, conspiracy to unlawfully obtain or increase unemployment benefits, and obtaining money under false pretenses. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.

Appellant Joshua Jones contends that the evidence presented at trial was insufficient to support the jury's finding of guilt for obtaining money under false pretenses. Jones contends that separate acts may not be aggregated under NRS 205.380 and that the State produced evidence of separate acts involving an aggregate amount that exceeded \$650, but not of any individual act that exceeded \$650. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).


The record shows that Jones discussed his unemployment benefits with his then-girlfriend by phone when he was incarcerated—and thus ineligible to receive unemployment benefits—and directed her to

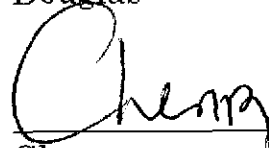
116-11801

keep filing his unemployment-benefits claims. She then logged into the unemployment-benefits phone system using his social security number and PIN on a weekly basis and falsely certified his eligibility to continue receiving benefits, received nine weekly payments totaling \$1440, and used Jones' unemployment-benefits debit card to access this money.

The jury could reasonably infer from the evidence presented that Jones counseled, encouraged, hired, commanded, induced, or otherwise procured another to obtain more than \$650 by false pretenses. See NRS 205.380(1). As Jones first raises his aggregation argument on appeal, we will not consider his claim that the individual payments may not be aggregated. *State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989); *Merica v. State*, 87 Nev. 457, 462, 488 P.2d 1161, 1163-64 (1971). We therefore

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Carolyn Ellsworth, District Judge  
Attorney General/Carson City  
Clark County Public Defender  
Attorney General/Las Vegas  
Clark County District Attorney  
Eighth District Court Clerk