

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROCKY O. GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72000

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


Rocky O. Garcia appeals from a judgment of conviction, pursuant to a jury verdict, for possession of a dangerous weapon or facsimile by an incarcerated person. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Judge.


Garcia contends insufficient evidence supports his conviction. Sufficient evidence supports a conviction when, "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." *Koza v. State*, 100 Nev. 245, 250, 681 P.2d 44, 47 (1984) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). We will not disturb a jury verdict supported by substantial evidence, "and circumstantial evidence alone may support a conviction." *Hernandez v. State*, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002).

Garcia specifically contends the State failed to offer evidence that he possessed the dangerous weapon (razor blade), an essential element of the crime. See NRS 212.185. A correctional officer observed Garcia sitting on a bed in a cell to which he was not assigned, lifting the mattress corner with his left hand, placing his cupped right hand under the mattress,

and then releasing the mattress. The officer found a pen and razor blade under that corner of the mattress. Viewing this evidence in the light most favorable to the prosecution, any rational juror could have found beyond a reasonable doubt that Garcia possessed the razor blade. *See Palmer v. State*, 112 Nev. 763, 768-69, 920 P.2d 112, 115 (1996). We therefore conclude sufficient evidence supported Garcia's conviction, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Carolyn Ellsworth, District Judge
Law Offices of Carl E.G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk