

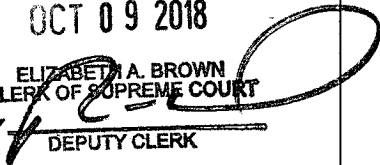
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ORLANDO ZARRELL WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73317

FILED

OCT 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Orlando Zarrell Williams appeals from a judgment of conviction entered pursuant to a jury verdict of three counts of conspiracy to commit robbery, three counts of robbery with the use of a deadly weapon, two counts of assault with a deadly weapon, one count of robbery, and one count of burglary while in possession of a firearm. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Williams claims the district court abused its discretion by denying his motion to set aside the verdict and enter a judgment of acquittal because the State failed to establish the corpus delicti for the criminal counts pertaining to victim Alfredo Zorro. He specifically argues there was insufficient evidence to support his conviction for robbing Alfredo Zorro because he was acquitted of assaulting Zorro and assault is a necessary element of robbery. He further argues it was not clear whether "Zorro's property was taken by means of force or violence, or fear of injury to, and without the consent and against his will" because Zorro did not testify.

Where there is insufficient evidence to support a conviction, the trial judge *may* set aside a jury verdict and enter a judgment of acquittal. NRS 175.381(2). The evidence to support a conviction is insufficient if "the


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prosecution has not produced a minimum threshold of evidence upon which a conviction may be based, even if such evidence were believed by the jury.” *Evans v. State*, 112 Nev. 1172, 1193, 926 P.2d 265, 279 (1996) (emphasis omitted). “[T]his standard does not allow the district court to act as a ‘thirteenth juror’ and reevaluate the evidence and the credibility of the witnesses.” *Id.*

We conclude the district court did not abuse its discretion by denying the motion to set aside a jury verdict and enter a judgment of acquittal because the State presented sufficient evidence to support Williams’ conviction for the robbery committed upon Zorro. See NRS 200.380(1); *United States v. Powell*, 469 U.S. 57, 67 (1984) (the existence of inconsistent verdicts is not relevant to a sufficiency-of-the-evidence review); *Hernandez v. State*, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002) (circumstantial evidence is enough to support a conviction). Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

¹Although the district court denied the motion because sufficient evidence was presented to support the robbery conviction, the motion appears to have been untimely filed and could have been denied on that ground as well. See NRS 175.381(2); NRS 178.472.

cc: Hon. Valerie Adair, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk