

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT LORING WILSON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79941-COA

FILED

AUG 07 2020

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

ORDER OF AFFIRMANCE

Robert Loring Wilson, Jr. appeals from a judgment of conviction, pursuant to a jury verdict, of aggravated stalking. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Denise Haddix and Wilson met using the dating application Plenty of Fish.¹ Haddix and Wilson began texting regularly and went on weekly dates. After seeing each other for a few months, Wilson began writing love poems, and one day went to Haddix's work, found her car in a parking lot with hundreds of cars in it, and left a teddy bear on the car. Haddix realized that Wilson had stronger feelings for her than she did for him and ended the relationship, eventually blocking him on her social media.

A few weeks after terminating the relationship, Haddix began receiving text messages from a name and number she did not recognize. The person sending the messages said his name was Derek Strong. One of the messages said, "bitch, slut, whore, you're going to die, always look over your shoulder, your son offed himself because he wanted to get away from his whore mother." Haddix's son died of a drug overdose in April 2018.

¹We do not recount the facts except as necessary for our disposition.

Haddix had told only a few people about the overdose; Wilson was one of them.

After receiving this message, Haddix called the Las Vegas Metropolitan Police Department (LVMPD) and met with Officer Cunningham. Haddix told Officer Cunningham that she thought the message might have come from Wilson. Officer Cunningham called the number from which the text message originated and left a voice mail stating to call him back. A short time later, Haddix received additional messages that stated:

You can block my number all the time but I'm still going to kill you, you fucking whore slut. It's a felony to impersonate a cop. Next time your boyfriend leaves a threatening message it will increase your chances of being killed.

I'm coming for you. I'll kill you by weekend end, your blood will be smeared all over the street. Bwahaha.

Bwahaha, you're going to die you worthless whore. You can suck my massive black cock while I cut your throat. Bwahaha.²

A few days after receiving the prior messages, Haddix received the following text messages while she was at work:

I'd watch out when you try to start your car, it might go kaboom and you'll have blue eyes, one blew that away and other another another [sic] way. Bwahaha.

²Wilson failed to provide the exhibits entered into evidence at trial depicting the text messages in the record on appeal. However, the State referred to and read the messages when it questioned Haddix at trial, and during its opening statement and closing argument. Wilson does not dispute the content of the messages on appeal.

There may be an IED an improvised explosive device on it. You feeling lucky, bitch? Bwahaha. There's a 50/50 chance there is or isn't one, which 50 do you take a chance on? Bwahaha.

Or maybe I cut your brake lines, you try to figure out which one I did. Bwahaha.

I wish you nothing but pain and misery and death.

Haddix, extremely fearful, called LVMPD again. Police arrived at her work, evacuated all of the cars surrounding her car, closed Sahara Avenue near her workplace, and prevented people from entering the facility. Police did not find anything abnormal with Haddix's car.

An officer from LVMPD interviewed Wilson. Wilson admitted to having apps on his phone that could create fake phone numbers for prank calling. Wilson also stated that he became frustrated with Haddix because she was ignoring him and "broke [his] heart." He then admitted to sending the text messages but that he was not going to follow through with any of the threats and just wanted to "scare her."

The State charged Wilson with aggravated stalking, and he was convicted pursuant to a jury verdict. The district court sentenced Wilson to two to ten years in prison with 77 days credit for time served.

On appeal, Wilson challenges the sufficiency of the evidence. Specifically, he argues that there was insufficient evidence to show that he intended to cause Haddix "to be placed in reasonable fear of death or substantial bodily harm" pursuant to NRS 200.575(3).³ The State argues

³Both at trial and on appeal, Wilson concedes that he committed stalking as defined in NRS 200.575(1). He only challenges the intent element necessary for a conviction of aggravated stalking.

that the evidence is sufficient to uphold the conviction. We agree with the State.

When reviewing a challenge to the sufficiency of evidence supporting a criminal conviction, we consider “whether, 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.” *Stewart v. State*, 133 Nev. 142, 144, 393 P.3d 685, 687 (2017) (emphasis omitted) (internal quotations omitted). “[I]t is the jury’s function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses.” *Rose v. State*, 123 Nev. 194, 202-03, 163 P.3d 408, 414 (2007) (alteration in original) (internal quotations omitted). We will not disturb a verdict supported by substantial evidence. *Stewart*, 133 Nev. at 144-45, 393 P.3d at 687. “Circumstantial evidence alone may support a judgment of conviction.” *Collman v. State*, 116 Nev. 687, 711, 7 P.3d 426, 441 (2000).

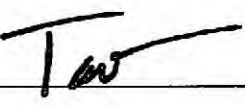
“A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking.” NRS 200.575(3).

Here, after viewing the evidence in the light most favorable to the State, we conclude that a rational jury could have concluded that Wilson committed aggravated stalking. Wilson confessed that he intended to scare Haddix because he was angry with her due to her ending their relationship and ignoring him. He then sent multiple detailed text messages, using a fictitious number and name, stating that she was going to die, he was coming for her, he was going to kill her by cutting her throat while she performed fellatio on him, cutting her car’s brake lines, or by possibly

placing an improvised explosive device in her car. Moreover, the district court instructed the jury on the lesser included offense of stalking, but the jury chose to find Wilson guilty of aggravated stalking instead. Based on the direct and circumstantial evidence, a rational trier of fact could reasonably infer that Wilson intended for Haddix to fear death or substantial bodily harm. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Eric Johnson, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk