

IN THE COURT OF APPEALS OF THE STATE OF NEVADA


JOEDDIE JAMAL DOUGLAS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85776-COA

FILED

MAY 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joeddie Jamal Douglas, Jr., appeals from a judgment of conviction, entered pursuant to a jury verdict, of attempted burglary of a business structure and possession of burglary tools. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Douglas argues that the district court erred by failing to properly instruct the jury. Because Douglas did not object below, he is not entitled to relief absent a demonstration of plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48-49 (2018). To demonstrate plain error, an appellant must show “(1) there was an error; (2) the error is plain, meaning that it is clear under current law from a casual inspection of the record; and (3) the error affected [his] substantial rights.” *Id.* at 50, 412 P.3d at 48 (internal quotation marks omitted). “[A] plain error affects a defendant’s substantial rights when it causes actual prejudice or a miscarriage of justice (defined as a ‘grossly unfair’ outcome).” *Id.* at 51, 412 P.3d at 49.

First, Douglas argues the district court failed to instruct the jury on specific intent where attempted burglary of a business structure is

a specific intent crime. See NRS 193.153(1). “To hold a defendant criminally liable for a specific intent crime, Nevada requires proof that he possessed the state of mind required by the statutory definition of the crime.” *Bolden v. State*, 121 Nev. 908, 923, 124 P.3d 191, 201 (2005), *receded from on other grounds by Cortinas v. State*, 124 Nev. 1013, 1026-27, 195 P.3d 315, 324 (2008). “[S]pecific intent is the intent to accomplish the precise act which the law prohibits.” *Id.* (internal quotation marks omitted). We disagree with Douglas’ claim that the jury was not instructed on specific intent. The district court instructed the jury that to be convicted of attempted burglary of a business structure, the State had to prove that Douglas “*intended to commit burglary of a business structure,*” and that he performed an act toward the commission of that burglary by “attempting to unlawfully enter or remain in [] any business structure [] *with the intent to commit a larceny or a felony therein.*” Jury Instruction No. 23 (emphasis added). The district court further instructed the jury that “[a]n attempt is an act done *with the intent to commit a crime* and tending, but failing, to accomplish it.” *Id.* (emphasis added). Therefore, we conclude Douglas fails to demonstrate there was error or that it was plain from the record. Further, Douglas does not argue how the alleged error affected his substantial rights. Thus, he fails to demonstrate he was entitled to relief on this claim.

Second, Douglas argues the district court plainly erred by failing *sua sponte* to give an instruction defining the term, “willfully.” Douglas, however, does not argue how the alleged error affected his substantial rights. Thus, he fails to demonstrate he was entitled to relief

on this claim. See *Jeremias*, 134 Nev. at 51, 412 P.3d at 449. Accordingly,
we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kathleen A. Sigurdson, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk