

IN THE SUPREME COURT OF THE STATE OF NEVADA


BRADFORD LOUIS PERRY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43317

FILED

MAR 08 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of aiming a firearm at a human being. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant Bradford Louis Perry to a jail term of 12 months but then suspended execution of the sentence, placing him on probation for a time period not to exceed 18 months.

Perry's sole contention is that there is insufficient evidence in support of the conviction because he only pointed the firearm in self-defense. In particular, Perry argues that the victim was the initial aggressor, and he had the right to "stand his ground" when the victim drove his large pick-up truck towards Perry and his girlfriend. We conclude that Perry's contention lacks merit.

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>1</sup> In particular, two eyewitnesses to the incident testified that Perry approached a red pick-up truck and pointed a gun at the driver. Notably, the eyewitnesses also testified that, before the incident, the driver of the truck did not have a weapon and was not acting in a manner that was threatening towards Perry.

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<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).


In addition to the eyewitnesses, the victim testified at trial explaining that, while in a parking lot outside a pharmacy, he observed Perry walking in his direction. As Perry got closer, the victim realized that Perry had a gun and was pointing it at him. Although Perry and the victim did not know each other, a month before the incident at issue, the victim had almost been rear-ended by a vehicle driven by Perry after the victim had braked suddenly for an animal in the road. After the near-accident, Perry had followed the victim and was verbally abusive.

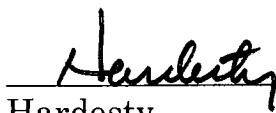
Although Perry and his girlfriend testified that the victim was stalking him and that he pointed the gun at the victim in self-defense, it is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>2</sup>

Having considered Perry's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

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

  
\_\_\_\_\_, J.  
Hardesty

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<sup>2</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

cc: Hon. Michelle Leavitt, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk