

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICARDO RIOS LAZOVA A/K/A
RICARDO RIOS LOZOVA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43370

FILED

JAN 19 2005

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of possession of a stolen vehicle (count I), stop required on the signal of a police officer (count II), attempted murder with the use of a deadly weapon (count III), and discharging a firearm at or into a vehicle (count IV). Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The district court sentenced appellant Ricardo Rios Lazova to serve a prison term of 12-48 months for count I, a consecutive prison term of 12-48 months for count II, two consecutive prison terms of 60-180 months for count III to run concurrently with the sentence imposed for count II, and a prison term of 12-48 months for count IV to run concurrently with the sentence imposed for count III. Lazova was also ordered to pay \$5,000.00 in restitution.

Lazova's sole contention on appeal is that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt of attempted murder with the use of a deadly weapon. More specifically, Lazova claims that "[t]he record does not support a finding that [he] acted with express malice as the evidence does not sustain a specific intent to kill." We disagree with Lazova's contention.

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.¹ In particular, we note that Patrol Officer Gary Nellis of the North Las Vegas Police Department testified at trial that he was involved in a high speed car chase with Lazova after he attempted to initiate a traffic stop. Eventually Lazova, traveling at a high speed in a residential neighborhood, crashed his vehicle and came to a stop. Officer Nellis pulled up behind Lazova's vehicle, and as he started to exit his patrol car, Lazova exited his vehicle and fired a shot at Officer Nellis from approximately 15-20 feet, barely missing his head. Officer Nellis testified that it was still daylight, and that he had an unobstructed view of Lazova. Lazova fired a second shot which struck the hood of the patrol car and shattered the windshield. Lazova started to flee from the scene, and when he noticed Officer Nellis following him, he fired one or two more shots at the officer. When Lazova was finally caught and detained, Officer Nellis immediately identified him as the individual who shot at him.

Based on the above, we conclude that the jury could reasonably infer from the evidence presented that Lazova committed the crime of attempted murder with the use of a deadly weapon.² 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,


¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).


²See NRS 200.010; NRS 200.030; NRS 193.330(1); NRS 193.165; see also Sharma v. State, 118 Nev. 648, 652, 56 P.3d 868, 870 (2002).

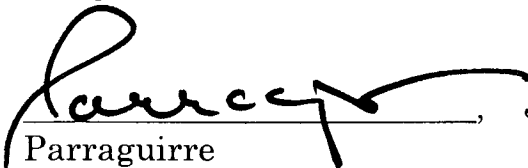
sufficient evidence supports the verdict.³ We also note that circumstantial evidence alone may sustain a conviction.⁴ Therefore, we conclude that the State presented sufficient evidence to sustain the conviction.

Having considered Lazova's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Law Offices of Michael V. Cristalli, Ltd.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See 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).

⁴See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003).