

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE PRATOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44990

FILED

FEB 23 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of attempted murder with use of a deadly weapon and one count of discharging firearm at or into a structure. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge. The district court sentenced appellant Tyrone Prator to a prison term of 34-144 months for attempted murder, with an equal and consecutive term for the use of a deadly weapon. Prator was sentenced to a concurrent prison term of 12-48 months for discharging a firearm at or into a structure.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹

In particular, we note the victim and two eyewitnesses identified Prator as the perpetrator near the scene of the crime. They also

¹See 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).

identified Prator as the perpetrator at trial. Their testimony at trial indicated Prator shot at the victim and into the apartment.

The jury could reasonably infer from the evidence presented that Prator was in fact guilty of the crimes. 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.² Therefore, we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. John S. McGroarty, District Judge
Paul E. Wommer
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See 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).