

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLEN EDWARD SILVA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45362

FILED

JAN 12 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of felony domestic battery. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant Glen Edward Silva to serve a prison term of 12 to 32 months.

Silva's sole contention on appeal is that there is insufficient evidence to sustain the conviction. Specifically, Silva notes that the victim did not want Silva to be prosecuted and argues that the victim could have inflicted her own injuries in the course of a grand mal seizure. 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 the victim testified that, on June 13, 2004, she got into an argument with Silva, her ex-boyfriend. The victim testified that Silva strangled her, licked her face, and pulled out her hair. Reno Police Officer Andy Carter corroborated the victim's testimony, explaining that he photographed scratches on the left side of the victim's

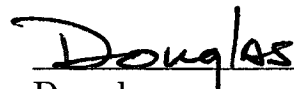
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).


neck, as well as a small clump of her hair on the apartment floor. Officer Carter testified that the victim told him that Silva had injured her neck and pulled out her hair, but did not want to press charges. Officer Carter arrested Silva even though he denied physically injuring the victim.


Although Silva notes that the victim suffered from a seizure disorder and argues that she could have injured herself, the jury could reasonably infer from the testimony presented that Silva battered the victim.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, substantial evidence supports the verdict.³

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

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

²See NRS 200.481; NRS 33.018(1)(a).

³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk