

IN THE SUPREME COURT OF THE STATE OF NEVADA


RICHARD MARQUEZ, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45739

**FILED**

FEB 17 2006

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 felony domestic battery. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. Appellant Richard Marquez Jr. was sentenced to a prison term of 12-36 months.

Marquez's sole contention on appeal is 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.<sup>1</sup>

The jury did hear evidence that Marquez committed the battery because he perceived an affront to his dignity by the victim. The jury heard testimony that Marquez did throw the victim to the ground. The jury also saw pictures of the victim with blood on her face resulting from a cut on the victim's nose.

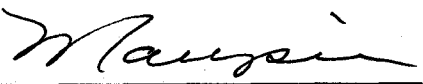
The jury could reasonably infer from the evidence presented that Marquez was in fact guilty of domestic battery, despite Marquez' argument that he acted in self-defense. It is for the jury to determine the


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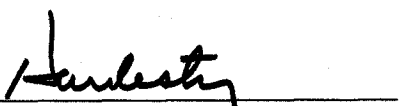
<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

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 concluded that appellant's contention lacks merit, we ORDER the judgment of conviction AFFIRMED.

 J.

Maupin  
 J.

Gibbons  
 J.  
Hardesty

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

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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).