

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERARDO ABDUL CASTILLO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45824

**FILED**

**JUN 08 2007**

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 first-degree murder with the use of a deadly weapon.<sup>1</sup> Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. The district court sentenced appellant Gerardo Abdul Castillo to two consecutive life terms in prison with the possibility of parole.

Castillo 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.<sup>2</sup> In particular, the murder was witnessed by two people, one of whom was the driver of the car from which passenger Castillo fired the fatal shot into the victim.

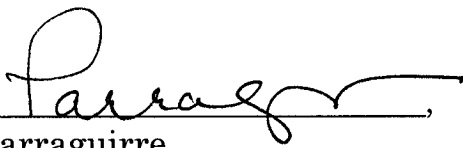
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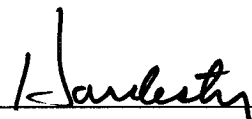
<sup>1</sup>See NRS 193.165; NRS 200.010; NRS 200.030.


<sup>2</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).

The jury could reasonably infer from the evidence presented that Castillo was guilty of first-degree murder despite his argument that the eyewitnesses' testimony was inconsistent and unreliable. Assessing a witness's credibility falls within the exclusive province of the jury, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>3</sup>

Having concluded that Castillo's contention lacks merit, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Parraguirre

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Connie J. Steinheimer, District Judge  
Scott W. Edwards  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>3</sup>See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992);  
Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).