

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER W. HOPKINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47469

**FILED**

**DEC 11 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 making false statements or representations to obtain benefits. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Christopher W. Hopkins to a prison term of 16-48 months, suspended execution of the sentence, and placed him on probation for an indeterminate period not to exceed 5 years. The district court ordered Hopkins to pay \$28,092.71 in restitution.

Hopkins contends that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt. Specifically, Hopkins claims that statements he made about his injuries "were genuine and accurate statements of his physical condition" and "arose out of and in the course of his employment."<sup>1</sup>

A review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a

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<sup>1</sup>The district court denied Hopkins' motion for judgment of acquittal after the verdict and his motion for a new trial.

rational trier of fact.<sup>2</sup> In particular, we note that testimony at trial indicated that Hopkins changed his story, about how he injured himself, several times. Initially, Hopkins told medical personnel that he jumped off the roof of a storage building approximately eleven feet high. Hopkins later told medical personnel that he tripped over an auto lift while walking to the office.

Dr. Mario Peña testified that Hopkins gave him conflicting stories about the cause of his injuries. Dr. Troy Watson, Hopkins' orthopedic surgeon, testified that he discharged Hopkins as a patient and canceled a scheduled operation after viewing a videotape made by an investigator showing Hopkins acting in a manner inconsistent with his physical presentation in his office. Danielle Morris, an investigator with the Attorney General's office assigned to the worker's compensation fraud unit, testified that Hopkins told different stories about the cause of his injuries, and at one point admitted to her that he lied during an earlier interview. Morris stated that Hopkins told her that he sustained his injuries while "monkeying around," and that he lied about it to avoid getting fired from his job. Soon after his communication with Morris, Hopkins wrote to Denise Parr, a claims adjuster for Farmers Insurance Exchange, stating instead that he was injured while at work, carrying parts to the office, when his foot "became entangled under the steel lift." According to Parr, over \$100,000.00 was expended on Hopkins' claim.

Based on the above, we conclude that a jury could reasonably infer from the evidence presented that Hopkins committed the crime

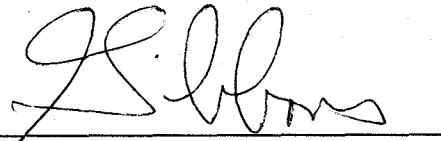
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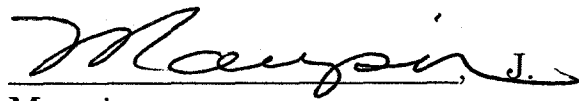
<sup>2</sup>See Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

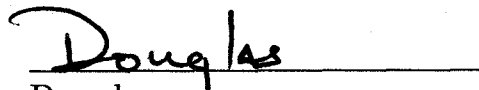
beyond a reasonable doubt.<sup>3</sup> It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, sufficient evidence supports the verdict.<sup>4</sup> Moreover, we note that circumstantial evidence alone may sustain a conviction.<sup>5</sup> Therefore, we conclude that the State presented sufficient evidence to support the jury's verdict.

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

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

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<sup>3</sup>See NRS 616D.300(2). The jury found Hopkins not guilty of one count of theft.

<sup>4</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).

<sup>5</sup>See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003).

cc: Hon. Sally L. Loehrer, District Judge  
Mueller & Associates  
Attorney General George Chanos/Carson City  
Attorney General George Chanos/Las Vegas  
Clark County District Attorney David J. Roger  
Clark County Clerk