

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY CURTIS HIGHTOWER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47572

FILED

NOV 28 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of discharging a firearm out of a motor vehicle and discharging a firearm at or into a motor vehicle. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant Jeremy Curtis Hightower to serve two concurrent prison terms of 35-156 months and 13-60 months to run consecutively to the sentence imposed in district court case no. CR05-0591.

Hightower contends that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt. The extent of Hightower's argument, without explanation or citation to the record, is that the eyewitnesses, passengers in the vehicle with Hightower, gave conflicting testimony.¹

¹Although this court has elected to file the fast track statement and appendix submitted by Hightower, we note that neither complies with the requirements of the Nevada Rules of Appellate Procedure. See NRAP 3C(e); NRAP 30(b)(2). Specifically, Hightower's "Statement of facts" section contains no citations to the trial transcripts, and the appendix contains only the judgment of conviction. Counsel for Hightower is cautioned that failure to comply with the requirements for fast track statements and appendices in the future may result in both being
continued on next page . . .

A 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.² In particular, we note that one of the passengers in the vehicle, seated in the backseat, testified to witnessing Hightower shoot at another vehicle. According to the passenger, Hightower was shooting at an individual in the vehicle named "Mugsie," with whom he had an earlier confrontation. The driver of the vehicle recanted when testifying at trial, however, he initially told investigating police officers the same story. Another backseat passenger testified that before she heard gunshots, Hightower told her and the other young girl in the backseat to get down. Bullet casings were later found at the crime scene.

Based on the above, we conclude that the jury could reasonably infer from the evidence presented that Hightower committed the crimes beyond a reasonable doubt.³ 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.⁴ Moreover, we note that circumstantial evidence

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returned, unfiled, to be correctly prepared, and may also result in the imposition of sanctions by this court. NRAP 3C(n).

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

³See NRS 202.285(1)(b); NRS 202.287(1)(b).

⁴See 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).

alone may sustain a conviction.⁵ Therefore, we conclude that the State presented sufficient evidence to support the jury's verdict.

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

ORDER the judgment of conviction AFFIRMED.

Becker _____, J.
Becker

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

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

⁵See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003) (stating that circumstantial evidence alone may sustain a conviction).