

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARCUS MADDOX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48321

FILED

APR 17 2007

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of attempted murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge. The district court sentenced appellant Marcus Maddox to serve two consecutive prison terms of 48-120 months.

Maddox contends that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt. Specifically, Maddox points out that two of the State's witnesses identified another individual as the shooter. Additionally, Maddox claims that he provided a taped confession to the crime only because the interrogating officer promised to let him leave and go home.

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.¹ In particular, we note that the two minor witnesses, who initially claimed that "Joe" was the shooter, eventually recanted and testified that they did not see who the shooter was because it was too dark

¹See Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

outside. The victim testified that he dropped his gun while running away from Maddox, and that he saw Maddox pick it up. Sefo “Joe” Fidis, a friend of Maddox’s, testified to seeing a gun in Maddox’s hand and telling him not to shoot the victim. Fidis testified that he turned around, away from Maddox, and then heard several gunshots and ran back to his house. After the shooting, Maddox returned to Fidis’ house and changed his clothes.

Marnie Carter, a crime scene analyst, testified that she recovered the two bullets removed from the victim’s spine during surgery. Detective Lisa Crane testified that after waiving his rights pursuant to Miranda,² Maddox initially denied involvement, but eventually confessed to shooting the victim multiple times. Detective Crane stated that she did not immediately arrest Maddox after his confession, because she agreed to let him leave to take care of his affairs.

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

²Miranda v. Arizona, 384 U.S. 436 (1966).

³See NRS 193.165; NRS 193.330; NRS 200.010; NRS 200.030.

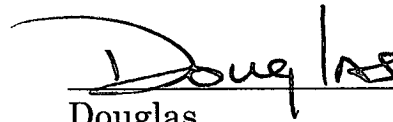
⁴See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

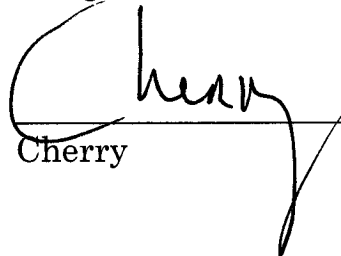
alone may sustain a conviction.⁵ Therefore, we conclude that the State presented sufficient evidence to support the jury's verdict.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Chief Judge, Eighth Judicial District
Hon. Stewart L. Bell, District Judge
Hon. J. Charles Thompson, Senior Judge
Gregory L. Denué
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

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