


IN THE SUPREME COURT OF THE STATE OF NEVADA

RAY EUAL MCFARLIN A/K/A RAY
EUAL MCFARLIN, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48498

FILED

MAY 11 2007

ANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of third-offense domestic battery. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. The district court sentenced appellant Ray Eual McFarlin to serve a prison term of 24-60 months and ordered him to pay \$2,693.68 in restitution.

McFarlin's sole contention on appeal is 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 McFarlin's argument is that the victim, his wife, "was uncertain and contradictive regarding the entire set of facts of the allegations of domestic battery."

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 Although the victim testified at trial and refused to

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

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implicate her husband, her previous inconsistent statements and preliminary hearing testimony indicated that McFarlin approached her on Fourth Street in Reno, demanded money, then threw her to the ground and punched her in the face. Additionally, Officer Thomas Hakin testified that he was responding to a possible domestic disturbance when the victim flagged him down. Officer Hakin stated that the victim was frantic and hysterical, and claimed that McFarlin beat her up; and, he noticed “some swelling about her face.” Photographs of the crime scene were admitted and depicted blood and locks of hair on the ground. Dr. Jennifer Sahn testified that she treated the victim in the emergency room at St. Mary’s Hospital. The victim told Dr. Sahn that she had been assaulted by her husband. Dr. Sahn noted that the victim had bruising around both eyes, a broken nose, and tenderness at the back of her head.

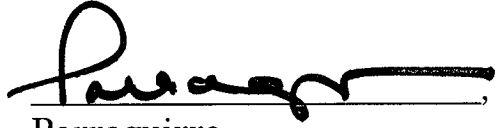
Based on the above, we conclude that the jury could reasonably infer from the evidence presented that McFarlin committed the crime beyond a reasonable doubt.² It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury’s verdict will not be disturbed on appeal where, as here, sufficient evidence supports the verdict.³ Therefore, we conclude that the State presented sufficient evidence to support the jury’s verdict.

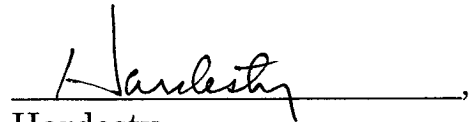
²See NRS 33.018(1)(a); NRS 200.481(1)(a); NRS 200.485.

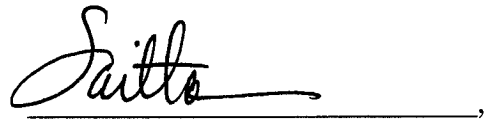
³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

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