

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIYON FORD A/K/A TIYON T. FORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48781

FILED

SEP 06 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

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; Stewart L. Bell, Judge. The district court sentenced appellant Tiyon Ford to serve a prison term of 96 to 240 months with an equal and consecutive term for the deadly weapon enhancement.

Ford contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, Ford claims that the evidence presented at trial demonstrated that Ford shot the victim in self-defense. 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 victim, Kimble Lowe, testified that while eating at a casino, Ford and two other people approached him and threatened him, claiming that the woman with Lowe owed Ford money. Casino surveillance cameras recorded Ford being escorted out of the casino by casino security. Later, while Lowe was at the Budget Suites,

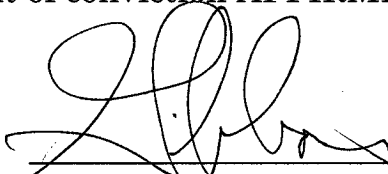
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

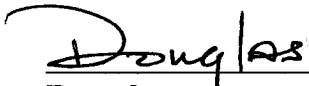
Ford again approached him, threatened him, pulled out a 9 mm pistol, and shot Lowe in the face. Ford was later arrested and the weapon was found in his possession. The ammunition in the weapon matched the bullet recovered from the scene. Lowe identified Ford in a photographic line-up and at trial as the man that had threatened and shot him.

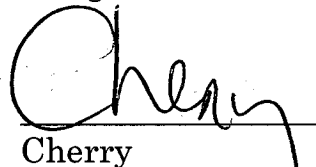
Although Ford testified that Lowe attempted to pull a gun first, no other weapon was recovered. The jury could reasonably infer from the evidence presented that Ford shot Lowe in the face in an attempt to kill him.² It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.³

Having considered Ford's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

²See NRS 200.010; NRS 200.030; NRS 193.330; NRS 193.165.

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).

cc: Hon. Stewart L. Bell, District Judge
Paul E. Wommer
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk