

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRYSTAL DENETTE HUNT A/K/A
CHRYSTAL DENETTE RIDENOUR
A/K/A CHRYSTAL DENETTE PARISH
A/K/A CHRYSTAL LEVENTRY A/K/A
CHRYSTAL PARISH A/K/A CHRYSTAL
HUNT,

Appellant,


vs.

THE STATE OF NEVADA,
Respondent.

No. 48920

FILED

JAN 17 2008

FRANZIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count of first-degree murder and one count of child abuse causing substantial bodily harm. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge. The district court sentenced appellant Chrystal Denette Hunt to serve a prison term of life without the possibility of parole for murder and a consecutive prison term of 8 to 20 years for child abuse.

First, Hunt contends that evidence presented at trial was insufficient to support her conviction for child abuse causing substantial bodily harm. Hunt specifically claims that evidence adduced at trial failed to demonstrate that the nine-year-old victim suffered a substantial risk of death, permanent disfigurement, protracted loss or impairment of any bodily member or organ, or prolonged physical pain.¹ Our review of the

¹See NRS 0.060 (defining substantial bodily harm).

record on appeal, however, reveals sufficient evidence to establish Hunt's guilt beyond a reasonable doubt as determined by a rational trier of fact.²

In particular, we note that the State presented evidence that the nine-year-old victim received numerous bruises, scratches, and cuts to her body. The victim testified that Hunt struck, slapped, pinched, and scratched her. Hunt punished her and her six-year-old brother by hitting them with a hanger, a board, and an "old cut-off electrical cord;" making them sleep in a shed; and pouring table salt down their mouths and forcing them to drink salt water. Hunt started hurting her "a couple of months" before her brother died. The forensic pathologist testified that the victim's brother died of table salt poisoning due to forced salt feeding, combined with multiple blunt traumatic injuries, and exacerbated by chronic under-feeding.

We conclude that a rational juror could reasonably infer from this evidence that Hunt's abuse caused the victim to suffer prolonged physical pain and placed the victim at substantial risk of death.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, substantial evidence supports the verdict.⁴

Second, Hunt contends that the district court erred by failing to give her proposed instructions regarding substantial bodily harm. Hunt

²See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (citing Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

³See NRS 0.060; NRS 200.508.

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

claims that "[t]he legal definitions of 'prolonged physical pain' and 'permanent disfigurement' were the crux of the case with regard to which level of child abuse of [the victim] had occurred." And Hunt argues that the district court's failure to give these instructions or to construct roughly equivalent legal definitions of these terms was reversible error.

The district court is ultimately responsible for ensuring that the jury is fully and correctly instructed.⁵ If requested, the district court must provide instructions on the significance of findings that are relative to the defense's theory of the case.⁶ "If [a] proposed [defense] instruction is poorly drafted, a district court has an affirmative obligation to cooperate with the defendant to correct the proposed instruction or to incorporate the substance of such an instruction in one drafted by the court."⁷ The defense is not entitled to instructions that are "misleading, inaccurate, or duplicitous."⁸

Here, even assuming that the district court erred by not giving Hunt's proffered instructions or by failing to ensure that the substance of Hunt's proffered instructions were adequately incorporated into the jury instructions, "we are convinced beyond a reasonable doubt that the jury's

⁵Crawford v. State, 121 Nev. 744, 754-55, 121 P.3d 582, 589 (2005).

⁶Carter v. State, 121 Nev. 759, 767, 121 P.3d 592, 597 (2005); Crawford, 121 Nev. at 753-54, 121 P.3d at 588-89.

⁷Carter, 121 Nev. at 765, 121 P.3d at 596 (quoting Honeycutt v. State, 118 Nev. 660, 677-78, 56 P.3d 362, 373-74 (2002) (Rose, J., dissenting)).

⁸Carter, 121 Nev. at 765, 121 P.3d at 596; Crawford, 121 Nev. at 754, 121 P.3d at 589.

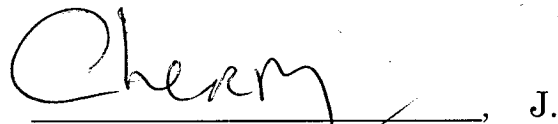
verdict was not attributable to the error and that the error was harmless under the facts and circumstances of this case."⁹

Having considered Hunt's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.



Maupin



Cherry



Saitta

cc: Hon. J. Michael Memeo, District Judge
Elko County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Elko County District Attorney
Elko County Clerk

⁹Crawford, 121 Nev. at 756, 121 P.3d at 590.