

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEOFFREY J. WELLS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49773

FILED

NOV 13 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of three counts of battery on an officer and one count of battery. Eighth Judicial District Court, Clark County; James M. Bixler, Judge. The district court sentenced appellant Geoffrey Wells to serve concurrent prison terms of twelve months for each of the battery on an officer counts and six months for the battery count.

Wells' sole contention is that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, Wells contends that the evidence presented at trial demonstrated that Wells was justified in defending himself from perceived attack.

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 State presented evidence that Wells was in family court and became agitated and verbally abusive. When a bailiff approached Wells to restrain him, Wells became aggressive and began "swinging" at the bailiff. Several other bailiffs entered the courtroom in order to restrain Wells, and Wells hit, pushed, and kicked several of the officers. After he was escorted out of the courtroom, Wells kicked another officer in the leg causing him to fall over. The State admitted into evidence a recorded surveillance tape of the incident in the courtroom.

The jury could reasonably infer from the evidence presented that Wells willfully and unlawfully used force or violence upon the officers, despite his testimony to the contrary.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

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).

²NRS 200.481(1)(a).

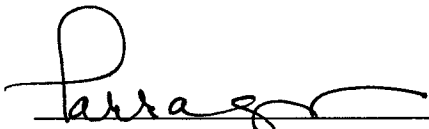
³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).


We note that there is a clerical error in the judgment of conviction. The judgment incorrectly states that appellant was convicted of battery by a prisoner, a felony. In fact, appellant was convicted of battery, a misdemeanor. Following this court's issuance of its remittitur, the district court shall correct this error in the judgment of conviction.⁴

Having considered Wells' contention and concluded it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

⁴See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that the district court does not regain jurisdiction following an appeal until supreme court issues its remittitur).

cc: Hon. James M. Bixler, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk