

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES LIND RIESMEYER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51164

**FILED**

NOV 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Angerson*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of failure of a sex offender to notify appropriate agencies of change of address. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant James Riesmeyer to a prison term of 12 to 32 months, suspended the sentence, and placed Reismeyer on probation for an indeterminate period of time not to exceed 24 months.

Riesmeyer contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, Riesmeyer argues that the evidence presented at trial did not demonstrate that he intended to violate the change of address requirement mandated by NRS 179D.470.

Initially we note that NRS 179D.470 is not a specific intent crime.<sup>1</sup> Thus, the State did not have to prove that Riesmeyer "intended" to

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<sup>1</sup>NRS 179D.470(1) states that "[i]f a sex offender changes the address at which he resides, including moving from this State to another jurisdiction . . . not later than 48 hours after

*continued on next page . . .*

violate the statute. Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>2</sup> In particular, we note that the police assistant at the police department, Melissa Hilburn, testified that Riesmeyer came into the police department to complete his initial sexual offender registration. Hilburn testified that she explained all the requirements expected of Riesmeyer and supplied him with a copy of a document that listed the requirements, including that he would have 48 hours to report a change of address. Riesmeyer signed the acknowledgement on the bottom of the document, which states, "I understand that the failure to register or report a change of address with the local law enforcement . . . is a felony." Thus, Riesmeyer was on notice that he was required to report any change of address within 48 hours. The jury was further presented with evidence that Reismeyer vacated his residence and then failed to report his change of address.

The jury could reasonably infer from the evidence presented that Riesmeyer failed to report his change of address. It is for the jury to

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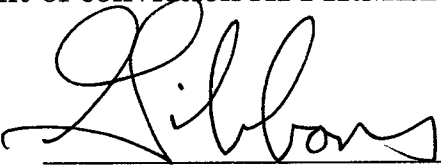
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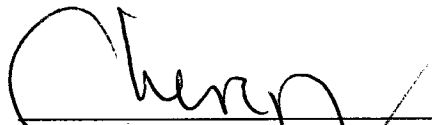
changing such an address, the sex offender shall provide the new address, in person, to the local law enforcement agency in whose jurisdiction he now resides and, in person or in writing, to the local law enforcement agency in whose jurisdiction he formerly resided."

<sup>2</sup>See Wilkins v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

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.<sup>3</sup>

Having concluded that Riesmeyer's contention lacks merit, we ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C. J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Janet J. Berry, District Judge  
Washoe County Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>3</sup>See 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).