

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER L. MURPHY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52075

FILED

SEP 25 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of one count of attempted murder with the use of a deadly weapon and one count of discharging a firearm within a structure. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant Christopher Murphy to various consecutive and concurrent prison terms totaling 8 to 20 years.

Murphy contends that insufficient evidence was adduced at trial to support his convictions. Murphy specifically claims that “[d]ue to conflicting testimony, a rational trier of fact could not have found all the essential elements of the crimes beyond a reasonable doubt.” We disagree.

“[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass upon the credibility of the witness.” Walker v. State, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). Accordingly, the standard of review for a challenge to the sufficiency of the evidence is “whether, after viewing the evidence in the light most favorable to the prosecution, any rational [juror] could have found the essential elements of the crime beyond a reasonable doubt.” McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (quoting Jackson v. Virginia, 443 U.S. 307,

319 (1979)). Circumstantial evidence is enough to support a conviction. Lisle v. State, 113 Nev. 679, 691-92, 941 P.2d 459, 467 (1997), holding limited on other grounds by Middleton v. State, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998).

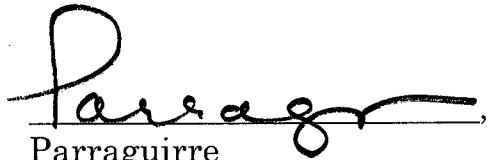
Here, the jury heard testimony that Murphy called the victim to make a drug purchase. Murphy picked the victim up at Dick's Bar and they went to The Sportsman Manor to get the drugs. Along the way, the victim asked Murphy if he had a computer in his house and Murphy responded that he did. The victim went into The Sportsman Manor and obtained the drugs with money that Murphy had given her. When she returned to Murphy's car, he took her to his house and invited her in. Murphy's house was located within the Henderson city limits. Murphy directed the victim to the computer room and went to the front of the house to use the drugs. While the victim was logging out of her email account, she heard gunshots, saw flashes, and fell to the ground. She saw Murphy approach with a revolver pointed at her. She begged for her life and kicked at him with her feet. Murphy told her "to lay back down where the blood was on the floor." He stood over her and shot her in the leg. The victim sustained a total of four gunshot wounds. Her physicians determined that three bullets could not be removed from her body without doing additional harm.

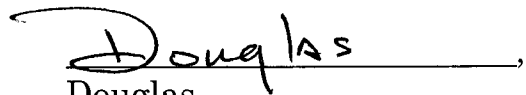
We conclude from this testimony that a rational juror could infer that Murphy was not acting in self-defense and intended to take the victim's life when he deliberately shot her multiple times after he invited her into his residence. See NRS 193.165(1); NRS 193.330(1); NRS 200.010; NRS 202.287(1). The jury's verdict will not be disturbed where,

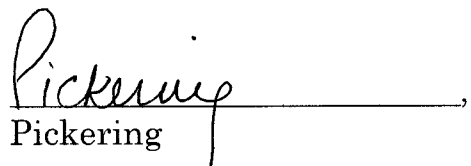
as here, it is supported by substantial evidence. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

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

ORDER the judgment of conviction AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Mueller Hinds & Associates
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk