

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL CASILLAS-GUTIERREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53424

FILED

MAR 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of sexual assault and three counts of open or gross lewdness. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. Appellant raises two claims on appeal.

First, appellant claims that the evidence submitted at trial was not sufficient to support the jury's verdict. As to the sexual assault, in addition to the victim's testimony, see Rose v. State, 123 Nev. 194, 203, 163 P.3d 408, 414 (2007) (providing that sexual assault victim's testimony need not be corroborated), a medical examination revealed various external and internal injuries consistent with the victim's testimony. As to the open or gross lewdness convictions, the victim testified with sufficient particularity to at least three incidents that support the offenses alleged. Cf. LaPierre v. State, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992). Although appellant points to inconsistencies between the victim's pretrial statements and trial testimony, arguing that her testimony is wholly incredible, it is for the jury to determine the degree of weight, credibility and credence to give to testimony and other trial evidence. Hutchins v. State, 110 Nev. 103, 107-08, 867 P.2d 1136, 1139 (1994), modified on other

grounds by Mendoza v. State, 122 Nev. 267, 275, 130 P.3d 176, 181 (2006). Therefore, after viewing the evidence in the light most favorable to the prosecution, we conclude it is sufficient to support each conviction. Id. at 109, 867 P.2d at 1140.

Appellant next alleges that the district court erroneously precluded counsel from referencing his lack of criminal history in opening and closing arguments. However, even assuming error, appellant testified the he had no criminal history; therefore this information was before the jury. Additionally, the jury was instructed that evidence of good character was sufficient to justify acquittal. Accordingly, we conclude that no prejudicial error occurred justifying reversal of appellant's convictions.

Having considered appellant's claims and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk