

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD D. ROSSBACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53896

**FILED**

**MAR 11 2010**

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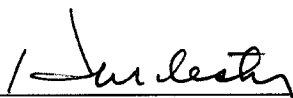
ORDER OF AFFIRMANCE

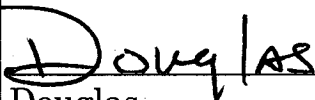
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of driving under the influence causing substantial bodily harm to another. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

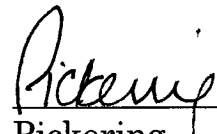
Appellant Gerald D. Rossback argues that the statute defining “substantial bodily harm”—NRS 0.060—is unconstitutionally vague. We review the constitutionality of a statute de novo, with the party challenging the statute bearing the burden of making a clear showing that the statute is unconstitutional. Silvar v. Dist. Ct., 122 Nev. 289, 292, 129 P.3d 682, 684 (2006). Rossback has not met his burden and made a clear showing that the statute is unconstitutionally vague. First, this court recently rejected a vagueness challenge to the definition of substantial bodily harm set forth in NRS 0.060(2). Collins v. State, 125 Nev. \_\_\_, 203 P.3d 90 (2009). Second, Rossback offers no relevant authority or cogent argument in support of the challenge to the definition set forth in NRS 0.060(1). See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

Rossback next argues that the State presented insufficient evidence to support a finding of substantial bodily harm. Our review of the record, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); see also Jackson v. Virginia, 443 U.S. 307 (1979). The treating physician testified that as a result of the accident, the victim suffered a broken neck that if not properly repaired through surgery carried a risk of death and quadriplegia. The victim was in the hospital for approximately one week, in a cervical collar for some time thereafter, and was prescribed and took pain medication for at least one month. Based on this and other evidence presented, a rational juror could find beyond a reasonable doubt that the victim suffered bodily injury that created a "substantial risk of death" or caused either "protracted . . . impairment of the function of any bodily member or organ" or "[p]rolonged physical pain" or both. NRS 0.060.

Having determined that Rossback is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Patrick Flanagan, District Judge  
Edward T. Reed  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk