

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRITTANY CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54039

FILED

DEC 03 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, pursuant to a jury verdict, of battery with the use of a deadly weapon resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. The district court sentenced appellant Brittany Clark to serve 24 to 90 months in prison.

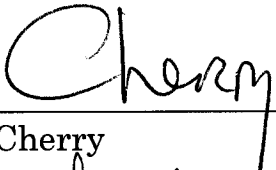
Clark first claims that the State presented insufficient evidence to support the jury's verdict, focusing on alleged inconsistencies in the victim's testimony that she claims demonstrate that he was not a credible witness. This claim lacks merit because the evidence, when viewed in the light most favorable to the State, is sufficient 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); Jackson v. Virginia, 443 U.S. 307, 319 (1979). Based on the victim's testimony identifying Clark as one of two people who repeatedly stabbed him, a rational juror could reasonably infer from the evidence presented that Clark willfully and unlawfully used force or violence on the victim, that Clark used a deadly weapon in the attack, and that the victim


suffered substantial bodily harm. See NRS 200.481(1)(a) (defining battery); NRS 0.060 (defining substantial bodily harm). 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. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

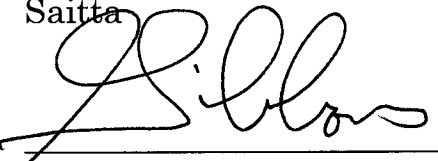
Clark next claims that the district court abused its discretion in precluding her from calling her mother to testify that she had purchased narcotics from the victim on numerous occasions. Clark argues this testimony was admissible to impeach the victim who denied that he had sold drugs to her mother. We disagree. The district court properly excluded this extrinsic evidence relating to a collateral matter. See NRS 50.085(3); Lobato v. State, 120 Nev. 512, 519, 96 P.3d 765, 770 (2004) ("NRS 50.085(3) limits the admissibility of extrinsic evidence for the purpose of attacking credibility based upon specific instances of conduct attributable to the witness. Unless in some way related to the case and admissible on other grounds, extrinsic prior bad act evidence is always collateral and therefore inadmissible to attack credibility."). Unlike the extrinsic impeachment evidence addressed in Lobato, the proffered evidence at issue in this case does not tend to show the victim's motive to testify in a certain way, such as bias, interest, corruption or prejudice. Cf. Lobato, 120 Nev. at 519-21, 96 P.3d at 770-71. The district court therefore did not abuse its discretion in excluding the proffered testimony from Clark's mother.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Paul E. Wommer
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk