

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LYNN JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54116

**FILED**

MAY 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF 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. Appellant Gerald Lynn Jackson raises three issues on appeal.

First, Jackson claims that the State presented insufficient evidence to support the jury's verdict, focusing on alleged inconsistencies in the victim's testimony that he claims demonstrate that the victim was not a credible witness. Based on the victim's testimony identifying Jackson as one of two people who repeatedly stabbed him, a rational juror could reasonably infer from the evidence presented that Jackson willfully and unlawfully used force or violence on the victim, that Jackson used a deadly weapon in the attack, and that the victim suffered substantial bodily harm. See Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); Jackson v. Virginia, 443 U.S. 307, 319 (1979); see also 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).

Second, Jackson claims that the district court abused its discretion in precluding him from calling his co-defendant's mother to testify that she had purchased narcotics from the victim on numerous occasions. Relying on Lobato v. State, 120 Nev. 512, 519, 96 P.3d 765, 770 (2004), Jackson argues this testimony was admissible to impeach the victim, who had denied that he had ever sold drugs to the co-defendant's mother. We disagree. Unlike the extrinsic impeachment evidence addressed in Lobato, the evidence proffered here did not tend to show the victim's motive to testify in a certain way, such as bias, interest, corruption, or prejudice. See NRS 50.085(3); cf. Lobato, 120 Nev. at 519-21, 96 P.3d at 770-71. The district court therefore did not abuse its discretion in excluding it.

Third, Jackson contends that cumulative error denied him a fair trial. Because we have rejected Jackson's assignment of error, we conclude that his allegation of cumulative error lacks merit. See U.S. v. Rivera, 900 F.2d 1462, 1471 (10th Cir. 1990) ("[A] cumulative-error analysis should evaluate only the effect of matters determined to be error, not the cumulative effect of non-errors.").

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

ORDER the judgment of conviction AFFIRMED.

A Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Linda Marie Bell, District Judge  
Justice Law Center  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk