

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES LALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54257

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Choop
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of invasion of the home while in possession of a firearm, attempted murder with the use of a deadly weapon, mayhem with the use of a deadly weapon, battery with a deadly weapon, battery with a deadly weapon resulting in substantial bodily harm, and two counts of discharging a firearm at or into a structure, vehicle, aircraft or watercraft. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Appellant James Lall claims that insufficient evidence supports his conviction for attempted murder with the use of a deadly weapon because the State failed to prove that he had the specific intent to kill. 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. Jackson v. Virginia, 443 U.S. 307, 319 (1979); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). The jury heard testimony that Lall and the victim engaged in several altercations earlier in the day, during which both Lall and the victim were injured. Subsequently, the victim returned to his home and Lall left the area. A short time later, the victim and his girlfriend heard a gunshot and saw glass flying toward them. The victim

testified that Lall entered his house holding a shotgun. Lall pointed the gun at the victim and shot the victim in the leg. The victim fell to the ground and crawled under a glass table. Lall took aim and shot the victim again, this time hitting the victim in the right arm. The victim attempted to crawl away from Lall. Lall aimed, shot the victim a third time, and said to the victim, "I got you now motherfucker." Based on this evidence, we conclude that a rational juror could reasonably find that Lall deliberately intended to take the victim's life. See NRS 193.200 (intent); NRS 193.330(1) (defining attempt); NRS 200.020(1) (defining express malice); NRS 200.030 (murder); Sharma v. State, 118 Nev. 648, 659, 56 P.3d 868, 874 (2002) (intent is generally inferred from the circumstances of the crime that are capable of proof at trial). 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); Walker v. State, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Kenneth C. Cory, District Judge
Draskovich & Oronoz, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk