

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN RIGGINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54705

FILED

JUL 15 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

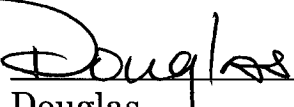
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of battery constituting domestic violence. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

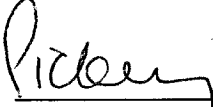
Appellant Shawn Riggins claims that insufficient evidence supports his convictions because the evidence demonstrated that the victim was the primary aggressor. This claim lacks merit because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a 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 victim testified that on July 18, 2007, while they were engaged in a verbal altercation, Riggins backed her against a wall, choked her with his arm or hand, and slapped her in the face. The victim further testified that on September 2, 2007, again while they were engaged in a verbal altercation, Riggins backed her into the kitchen wall, pushed her face into the wall numerous times, grabbed a knife from the knife rack, grabbed her by her hair and held the knife in front of her, and threatened her. The victim testified that at the time of both incidents Riggins was her boyfriend and

she was pregnant with their child. The police were called after each incident and the responding officers testified that they observed the victim with a red mark on her neck and a torn shirt after the July incident and a red mark on her cheek after the September incident. We conclude that the evidence was sufficient to establish that Riggins was in a dating relationship with the victim and on two separate occasions he willfully and unlawfully used force or violence against the victim. See NRS 33.018; NRS 200.481(1)(a). 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.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk