

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAFAEL CASTILLO, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54997

FILED

SEP 09 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 one count each of robbery with the use of a deadly weapon, burglary while in possession of a deadly weapon, and carrying a concealed weapon. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

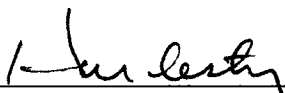
Appellant Rafael Castillo, Jr., claims that insufficient evidence supports his convictions. This claim lacks merit because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. Jackson v. Virginia, 443 U.S. 307, 319 (1979); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

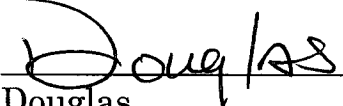
The victim testified that Castillo entered the store wearing a hooded sweatshirt with the hood on. Castillo walked up and down an aisle and then walked toward the register. Castillo grabbed the victim's hand, pulled a gun from inside of his clothing, and directed the victim to give him the money from the cash register. When the victim informed Castillo that she could not reach the money with him holding her hand, Castillo let go of the victim's left hand and grabbed the victim's right hand. Castillo


ordered the victim to give him all of the change in the cash register as well as all of the bills and then directed the victim to open the other cash register. When the victim explained that she did not have access to the other cash register, Castillo “banged” the gun on the counter and demanded that the victim give him all of the money. Castillo then asked the victim where security was and what wall he would need to jump to exit the premises. The jury was shown a surveillance video of the incident. Although the perpetrator could not be identified in the video, the victim positively identified Castillo as the perpetrator.

We conclude that the evidence was sufficient to establish that Castillo was carrying a concealed firearm, he entered the store with the intent to commit a felony while in possession of a firearm, and he used the firearm to either force or threaten the victim in order to obtain the money. See NRS 202.350(1)(d)(3); NRS 205.060(1), (4); NRS 200.380(1); NRS 193.165. 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. Linda Marie Bell, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk