

IN THE SUPREME COURT OF THE STATE OF NEVADA

FAUSTIN ESQUIVEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57317

FILED

SEP 14 2011

TRACIE K. LINDEMAN
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ORDER OF AFFIRMANCE

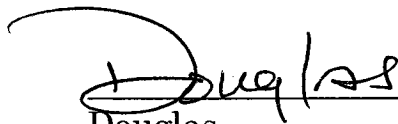
This is an appeal from a judgment of conviction entered pursuant to a jury verdict of battery constituting domestic violence with the use of a deadly weapon. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

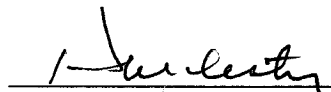
Appellant Faustin Esquivel contends that insufficient evidence supports his conviction because the State failed to present any evidence to corroborate the victim's testimony that the cuts on her arm were caused by his use of a deadly weapon. We disagree. The victim was not an accomplice and her testimony did not have to be corroborated. See NRS 175.291. Moreover, 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 Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

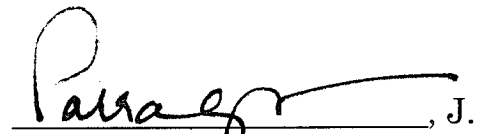
The jury heard the victim's preliminary hearing testimony that Esquivel is her brother and he cut her numerous times with a knife;¹ the preliminary hearing judge's record that the victim has at least a half-dozen scars on her arm ranging from one to six or seven inches long; and police officer testimony that the victim had numerous cuts on her arm and stated that Esquivel cut her with a knife. The jury also saw photographs of the victim's injuries, saw her written voluntary statement, and heard her 911 call.

We conclude that a rational juror could reasonably infer from this evidence that Esquivel committed domestic battery with the use of a deadly weapon. See NRS 33.018(1); NRS 200.481(1); NRS 200.485(1). 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. Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003) (circumstantial evidence alone may sustain a conviction). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

¹The district court deemed the victim unavailable as a witness pursuant to NRS 51.055(1)(b) and allowed the State to read her preliminary hearing testimony into the trial record.

cc: Hon. David B. Barker, District Judge
Leslie A. Park
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk