

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL ROSS SEMPIER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61547

**FILED**

JUN 13 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of sexual assault. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

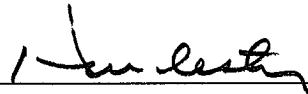
Appellant argues that insufficient evidence was adduced at trial to sustain his conviction. He specifically claims that the only evidence suggesting that the intercourse was not consensual was the victim's statements to her husband after the fact and that the weight of the evidence suggested it was consensual.

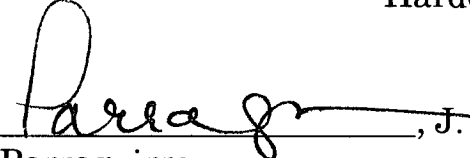
The jury heard testimony from the victim that, after a night of drinking, she woke up to someone having sex with her and that once she realized it was not her husband but appellant, she was scared and furious. A victim's uncorroborated testimony alone, if believed by the jury beyond a reasonable doubt, is sufficient to uphold a conviction of sexual assault. *See Hutchins v. State*, 110 Nev. 103, 109, 867 P.2d 1136, 1140 (1994), *modified on other grounds by Mendoza v. State*, 122 Nev. 267, 275-76, 130 P.3d 176, 181 (2006). Nevertheless, the jury also heard corroborating evidence from the victim's husband as to her response and actions after discovering that appellant had penetrated her as well as to the events of

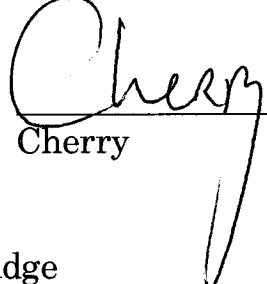
the evening prior to the incident. We conclude that the evidence supporting this conviction, when viewed in the light most favorable to the prosecution, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See NRS 200.366(1); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

Appellant also claims that his verdicts of guilty as to the sexual assault charge and not guilty as to the burglary charge are inconsistent and are not rationally reconcilable, and therefore they cannot stand. We have held that inconsistent verdicts are permitted when supported by sufficient evidence. See *Greene v. State*, 113 Nev. 157, 173-74, 931 P.2d 54, 64 (1997), *receded from on other grounds by Byford v. State*, 116 Nev. 215, 235, 994 P.2d 700, 713 (2000). As we have resolved appellant's sufficiency challenge against him, we conclude his claim of inconsistent verdicts is without merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Scott N. Freeman, District Judge  
Scott W. Edwards  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk