

IN THE SUPREME COURT OF THE STATE OF NEVADA

HIGINIO BARRERA A/K/A HIGINIO
CAUSSE BARRERA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63287

FILED

DEC 16 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of battery constituting domestic violence, battery with the use of a deadly weapon constituting domestic violence, and burglary while in the possession of a deadly weapon. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Appellant Higinio Barrera contends that insufficient evidence was adduced to support the jury's verdict. Barrera claims that the victim was not credible because her various statements and trial testimony were inconsistent and contradictory and the State failed to produce evidence to corroborate her "scattered story of the alleged events." We disagree 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. *See Jackson v. Virginia*, 443 U.S.

307, 319 (1979); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

The victim testified that Barrera, her boyfriend at the time of the offense, believed that she was cheating on him. The victim's son-in-law testified that Barrera told him that he believed she was cheating on him and that "[h]is friends were basically motivating him to kill her." The son-in-law repeated a story Barrera told him about a Cuban man who murdered his wife because she was cheating on him and "that's what Cubans do; they don't . . . allow themselves to be humiliated." The victim testified that on the night of the attack, Barrera came to her apartment wearing white cloth gloves, put a rope around her neck, began choking her, and stated that he was going to kill her. The victim testified that Barrera stabbed her with a knife taken from her kitchen. Without objection, the State noted for the record that the victim pointed to the scar from the stabbing on "the lower portion of the neck; the upper portion of the chest." The victim also cut her hand on the knife while trying to defend herself. Barrera, however, testified that the victim attacked him with a knife and cut herself in the process. At trial, the victim identified the rope and knife used in the attack, and the white gloves Barrera was wearing at the time.

It is for the jury to determine the weight and credibility to give conflicting testimony, *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992), and a jury's verdict will not be disturbed on appeal where, as here,

sufficient evidence supports the verdict, *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also NRS 33.018; NRS 200.481; NRS 205.060(1). Therefore, we conclude that Barrera's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

 Pickering , C.J.
Pickering

 Hardesty , J.
Hardesty

 Cherry , J.
Cherry

cc: Hon. Jennifer P. Togliatti, District Judge
Ornoz & Ericsson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk