

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYSON RAYL ROBINSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63475

FILED

FEB 13 2014

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 battery by a prisoner. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

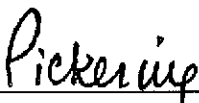
Appellant Tyson Robinson contends that insufficient evidence was adduced to support the jury's verdict. We disagree because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

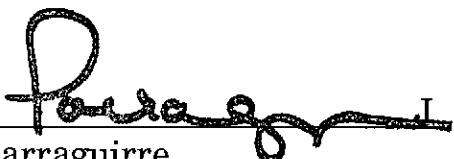
Officer Julio Mesa testified that Robinson, a prisoner at Southern Desert Correctional Center, struck him after he declined Robinson's request to return his confiscated radio. Caseworker Larry Treadwell testified that on the day in question, there was "a[n] issue over a radio," and he witnessed Robinson strike Officer Mesa "two, three times in the face." Greg Roehm, a criminal investigator with the Department of Corrections, testified that Robinson told him that he "approached Officer Mesa because he wanted his radio returned to him," and that he punched Officer Mesa twice as the officer came towards him. In a statement recorded by Lieutenant Calvin Peck soon after the incident, Robinson


claimed that he was provoked by Officer Mesa. An audio recording of Robinson's statement was played for the jury.

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 200.481(1)(a), (c)(4), (2)(f). Therefore, we conclude that Robinson's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Stefany Miley, District Judge
Clark County Public Defender
Attorney General/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The fast track response fails to comply with NRAP 3C(h)(1) and NRAP 32(a)(4) because it does not contain 1-inch margins on all four sides and the text in the body of the briefs is not double-spaced. Counsel for the State is cautioned that the failure to comply with the briefing requirements in the future may result in the imposition of sanctions. *See* NRAP 3C(n).