

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN ANTHONY MALFAIR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65669

FILED

FEB 04 2015

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 with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

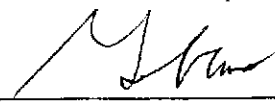
Appellant argues that the evidence presented at trial was insufficient to support the jury's finding of guilt. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by any rational trier of fact. *See Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

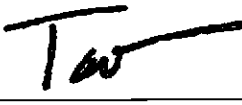
Multiple witnesses testified that appellant had been drinking at a party at the El Cortez hotel and had been in arguments with his girlfriend and other guests throughout the evening. Appellant initially left the property, but was recorded by hotel surveillance returning with a knife in his hand. The victim testified that appellant returned to the hotel room and argued with her regarding the retrieval of a hat. The victim testified that appellant threatened to physically harm her and that in response she punched appellant. She testified that appellant then cut her chest with the knife. Based on the evidence presented at trial, we

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conclude that the jury could reasonably find that appellant committed battery with the use of a deadly weapon. See NRS 200.481(1)(a), (2)(e). 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); see also *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Valorie J. Vega, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk