

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS GREGORY SHEA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65821

FILED

APR 15 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

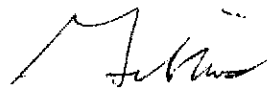
This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of intimidating a witness and misdemeanor domestic battery (which was a lesser-included offense to another felony). Second Judicial District Court, Washoe County; Jerome Polaha, Judge.


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

The evidence and testimony produced at trial demonstrated that Shea sent the victim an email that discussed her court testimony. In the email, Shea warned the victim that her court appearance "will cause more harm than good." Shea then threatened her with a drug and alcohol test, removal of her child from her custody by Child Protective Services, and arrest for contempt of court.

Based on the evidence presented at trial, we conclude that the jury could reasonably find that Shea committed the act of intimidating a witness. See NRS 199.240(2). 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, 624 P.2d 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. Jerome Polaha, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk