

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OGBEBOR KANDISON OBGESIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67254

FILED

SEP 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 battery on a protected person. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


Appellant Ogbemor Kandison Obgesia argues the evidence presented at trial was insufficient to support the jury's finding of guilt of battery on a protected person because the State failed to prove he intended to harm the police officer. 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 produced at trial demonstrated that two police officers approached Obgesia because he was asleep in a casino, identified themselves, and initiated a consensual pat down search of Obgesia. During the pat down search, Obgesia quickly turned and knocked the officer backwards with his shoulder. Obgesia yelled and moved aggressively until the officers subdued him. Based on the evidence presented at trial, we conclude the jury could reasonably find Obgesia

committed battery on a protected person. See NRS 200.481(2)(d). Intent "can be inferred from conduct and circumstantial evidence," and the officers' testimony that Obgesia knocked the officer with his shoulder out of anger is sufficient to demonstrate Obgesia willfully used force against the officer. See *Grant v. State*, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001). 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. Kathleen E. Delaney, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk