

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CALVIN D. O'DONNELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70848

**FILED**

MAY 24 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Calvin O'Donnell appeals from a judgment of conviction, pursuant to a jury verdict, of battery resulting in substantial bodily harm constituting domestic violence. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

On appeal, the only issue presented is whether the evidence introduced at trial was sufficient to uphold the jury's verdict. O'Donnell argues that he presented testimony that contradicted the testimony presented by the State, and thus no reasonable jury could convict him.<sup>1</sup>

Having reviewed all of the evidence in the light most favorable to the prosecution, we conclude that there is sufficient evidence to uphold O'Donnell's conviction. *See Thompson v. State*, 125 Nev. 807, 816, 221 P.3d 708, 714-15 (2009) (internal quotation marks omitted) (quoting *Mejia v. State*, 122 Nev. 487, 492, 134 P.3d 722, 725 (2006)) (holding that there is evidence sufficient to support a verdict if, "after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt").

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<sup>1</sup>We do not recount the facts except as necessary to our disposition.

Here, the State presented sufficient evidence that O'Donnell was not acting in self-defense when he punched and dragged his girlfriend, and when he struck her with a lamp. Specifically, witnesses testified that immediately following the attack, O'Donnell appeared angry and made incriminating statements that suggested that O'Donnell was not acting in self-defense.

Although O'Donnell testified that he punched the victim in self-defense, the jury was entitled to assess witness credibility and conclude that the witnesses for the State were more credible than O'Donnell. *See Bolden v. State*, 97 Nev. 71, 72-73, 624 P.2d 20, 20 (1981) (citing *Stewart v. State*, 94 Nev. 378, 379, 580 P.2d 473, 474 (1978)) (upholding a jury's verdict when presented with conflicting testimony). Further, the State presented evidence which corroborated the victim's testimony, while O'Donnell presented no evidence which tended to corroborate his testimony. As the jury—and not this court—assesses witness credibility and weighs conflicting evidence, and because a rational trier of fact could have relied upon the evidence presented below to find the essential elements of the crime beyond a reasonable doubt, we decline to disturb the jury's verdict. *See id.*; *Thompson*, 125 Nev. at 816, 221 P.3d at 714-15. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Valerie Adair, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk