

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON REECE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70930

**FILED**

AUG 16 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brandon Reece appeals from a judgment of conviction entered pursuant to a jury verdict of five counts of assault with a deadly weapon. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Reece claims insufficient evidence supports his convictions because it “does not overcome [his] strong testimony that he never pointed a firearm at anyone.” We review the evidence in the light most favorable to the prosecution and determine whether “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).


The jury heard testimony that nightclub promoters Reece, “Tony,” and “Smoke” caused a disturbance inside a CVS pharmacy. Shift supervisor Barbara Williams told the promoters to get out of the store and she was calling the police. Shift supervisor Joy Eggstaff called all of the CVS employees to the front of the store and she later called 911. Although the promoters left the store and got into a car, Reece got back out of the car with a large gun. He waived the gun in a menacing manner towards Williams, Eggstaff, and three other CVS employees. And he threatened the CVS employees by saying “do you guys want some of this?” The gun scared all five of the CVS employees. The jury was also shown

surveillance video of the incident and heard the recordings of the 911 calls placed by Eggstaff and a limo driver who witnessed the incident.

We conclude a rational juror could reasonably infer from this evidence that Reece intentionally placed five people in apprehension of immediate bodily harm with the use of a firearm. See NRS 193.200; NRS 200.471(1)(a); *Sharma v. State*, 118 Nev. 648, 659, 56 P.3d 868, 874 (2002) (observing that “intent can rarely be proven by direct evidence of a defendant’s state of mind, but instead is inferred by the jury from the individualized, external circumstances of the crime, which are capable of proof at trial”). 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 its verdict. See *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

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

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

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