

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODNEY HOSINO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71858

FILED

MAR 14 2018

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

*ORDER OF AFFIRMANCE*

Rodney Hosino appeals from a judgment of conviction entered pursuant to a jury verdict of ten counts of lewdness on a child under the age of 14 and ten counts of sexual assault on a minor under 14 years of age. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Hosino claims insufficient evidence supports his convictions because the victim's therapist based her suspicions of sexual abuse on a generalized journal entry she had never seen and the Hawaii County Police Department's investigation of the suspected sexual abuse "boiled down to what was in the [victim's] journal."

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). "[T]he victim's testimony alone is sufficient to uphold a conviction" for sexual assault; however, "the victim must testify with *some* particularity regarding the incident." *Rose v. State*, 123 Nev. 194, 203, 163 P.3d 408, 414 (2007) (quoting *LaPierre v. State*, 108 Nev. 528, 531, 825 P.2d 56, 58 (1992)). "[T]o support multiple charges of sexual abuse over a period of time, a child victim need not 'specify

exact numbers of incidents, but there must be some reliable indicia that the number of acts charged actually occurred.” *Id.*

The jury heard testimony that the State of Hawaii placed the victim in her father’s custody and arranged for her to see a therapist after she was battered by her mother. The therapist observed the victim was withdrawn and uncommunicative, and she encouraged the victim to keep a journal as part of her therapy. The victim’s step-mother later discovered the journal, read portions of it, and contacted the therapist because it revealed the victim had been sexually abused by her step-father.

When the therapist asked the victim about the journal during their next therapy session, the victim said Hosino began touching her when she was around nine years old and engaged in sexual intercourse with her when she was ten years old. The therapist reported the suspected child abuse to the Hawaii County Police Department, which, in turn, conducted an investigation and reached out to the Las Vegas Metropolitan Police Department when it became apparent that some of the child abuse occurred in Las Vegas.

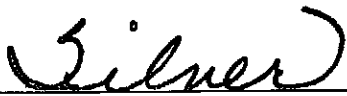
The victim testified that she lived with her family in Las Vegas between the ages of four and nine. During those ages, she lived in a two-story house she referred to as the Coaldale Place and then later an apartment building. The victim testified that the following acts occurred while she lived in these residences: Hosino rubbed her thighs but not her private area, he rubbed her vaginal lips on more than one occasion at each of the residences, he digitally penetrated her vagina on more than one occasion, he stuck his tongue in her mouth when he kissed her, he repeatedly touched her breasts with his hands, he lifted her shirt and sucked on her breasts, he rubbed his penis inside her vaginal lips and then ejaculated on her stomach, he forced her to perform fellatio on him on more

than one occasion at each of the residences, he performed cunniligus on her, and he twice forced his penis into her vagina.

We conclude a rational juror could reasonably infer from this testimony Hosino committed ten acts of sexual assault on a minor under 14 years of age and ten acts of lewdness on a child under 14 years of age. See NRS 200.364(9); NRS 200.366(1)(b); NRS 201.230(1)(a). 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, sufficient evidence supports its verdict. See *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

Hosino also claims trial counsel was ineffective for failing to raise "significant and contentious" challenges to the State's proffered prior-bad-acts evidence. However, we will not "consider ineffective-assistance-of-counsel claims on direct appeal unless the district court has held an evidentiary hearing on the matter or an evidentiary hearing would be needless." *Archanian v. State*, 122 Nev. 1019, 1036, 145 P.3d 1008, 1020-21 (2006). Because Hosino has not demonstrated that either of these exceptions applies, we decline to consider his claim on direct appeal.

Having concluded Hosino is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

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

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

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<sup>1</sup>The Honorable Jerome T. Tao did not participate in the decision in this matter.

cc: Hon. Elissa F. Cadish, District Judge  
Marchese Law Office  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk