

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SYDNEY SHACKERFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73745

FILED

SEP 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Sydney Shackerford appeals from a judgment of conviction entered pursuant to a jury verdict of two counts of attempted robbery with the use of a deadly weapon, two counts of assault with a deadly weapon, and one count each of battery with the use of a deadly weapon and battery with the intent to commit a crime. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Shackerford claims the jury's verdict was not supported by substantial evidence because it was "based solely on the testimony of three minor witnesses and in contrast to the persuasive testimony [he presented]." 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 an SUV stopped next to teenagers Jonathen Dunn, Devin Dunn, and Anthony Wallace as they were walking to a party. Shackerford stepped out of the SUV with a handgun. Devin immediately ran away. Shackerford pointed the handgun at Jonathen and Wallace and told them to "run your pockets." Wallace said he did not have anything and Shackerford struck him in the head with the

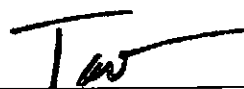
handgun. Jonathen then hit Shackerford, and both he and Wallace ran away.


Jonathen later told the police that he had seen Jaques Kincaid sitting in the back of the SUV, he knew Kincaid from high school, and he had friended Kincaid on Facebook. Jonathen used his father's phone to pull up Kincaid's Facebook page and showed the police a newly posted photograph depicting Kincaid, Shackerford, and the handgun. Jonathen and Devine identified Shackerford in court. Kincaid testified that he was with Shackerford that night, he remembered the SUV coming to an abrupt stop, and he remembered looking out the window and seeing people standing around, but he could not remember anything else because he had ingested Xanax, cocaine, and marijuana.

We conclude a rational juror could reasonably infer from this testimony that Shackerford attempted to rob the victims with the use of a deadly weapon, assaulted the victims with a deadly weapon, battered one of the victims with a deadly weapon, and battered that victim with the intent to commit robbery. See NRS 193.330(1); NRS 193.165(1); NRS 200.380(1); NRS 200.400(1)(a); NRS 200.471(1)(a); NRS 200.481(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). 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