

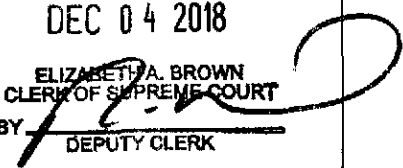
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TYLER LOUIS STOLTZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74892-COA

FILED

DEC 04 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Tyler Louis Stoltz appeals from a judgment of conviction, pursuant to a jury verdict, of domestic battery by a probationer with the use of a deadly weapon, resulting in substantial bodily harm. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

After an argument with his wife, Stoltz struck her with his car, breaking her leg.¹ Because Stoltz stipulated to the other elements of the charge, the only issue at trial was whether he intended to strike his wife with his car. The jury found that he did and returned a guilty verdict. Stoltz appeals, arguing that sufficient evidence did not support the verdict.


When reviewing a challenge to the sufficiency of evidence supporting a criminal conviction, this court considers “whether, 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.” *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (emphasis omitted) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). The jury weighs the evidence and the credibility of the witnesses and determines whether these are sufficient to meet the elements

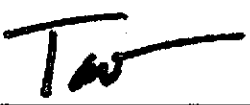
¹We do not recount the facts except as necessary to our disposition.


of the crime. *Id.* This court will not disturb a verdict that is supported by substantial evidence. *Id.*

The State presented testimonial evidence from Stoltz's wife, the responding officer, a detective, and a bystander, from which the jury could infer that Stoltz intentionally struck his wife with his car. *See Byars v. State*, 130 Nev. 848, 863-64, 336 P.3d 939, 949 (2014) (holding that proof of intent to willfully and unlawfully use force is sufficient evidence for a battery conviction); *Sharma v. State*, 118 Nev. 648, 659, 56 P.3d 868, 874 (2002) (“[I]ntent 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 . . .”). Viewing this evidence in the light most favorable to the prosecution, we conclude that a rational trier of fact could have found that Stoltz intended to strike his wife with his car. We thus conclude that sufficient evidence supports the verdict. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Lynne K. Simons, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Second District Court Clerk