

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMETRIUS LAMAR BROCK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66669

FILED

APR 20 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of second-degree murder with the use of a deadly weapon and carrying a concealed firearm or other deadly weapon. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Appellant Demetrius Brock claims there was insufficient evidence to support his convictions. He argues the evidence does not support the finding of malice necessary for second-degree murder and his handgun was not concealed. 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); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).


The jury heard testimony Brock approached the victim around 6:00 or 6:30 p.m. and told him to stop slamming his apartment door. The two engaged in a heated argument that lasted about 10 to 20 minutes, after which the victim left the apartment complex with his wife and Brock discussed the incident with an apartment courtesy patrol officer. Later,

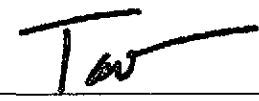
sometime after 8:30 p.m., Brock encountered the victim in the apartment complex's parking lot and the two began to argue again.

Brock was carrying his handgun in a fanny pack and the handgun was not visible to the victim. Brock removed the handgun from the fanny pack and moved towards the victim while shooting. Brock shot the victim in the head and the chest, and he continued to shoot after the victim had fallen. The forensic evidence showed Brock fired a total of 15 rounds while moving towards the victim and upwards of 5 of these rounds were fired into the victim as he lie dying on the ground.

We conclude a rational juror could reasonably infer from this evidence Brock carried his handgun concealed upon his person and acted with malice when he shot and killed the victim. See NRS 200.010(1); NRS 200.020; NRS 200.030(2); NRS 202.350(1)(d)(4). 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 the 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.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. David B. Barker, District Judge
David Lee Phillips & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk