

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIO JESUS QUEVEDO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68447

FILED

AUG 17 2016

TRACIE K. INDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of open or gross lewdness. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Mario Quevedo claims insufficient evidence supports his conviction because this case boiled down to the victim's word against his word and there was no evidentiary basis for the jury to conclude the victim's testimony was more credible than his testimony. 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) (emphasis omitted); *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

The jury heard the victim's testimony that Quevedo was her stepfather, they spent the night together in a camper, and she awoke to find him kissing her on the shoulder. Quevedo reached under her shirt and groped her breasts, and he unbuttoned her pants and touched her vagina. The victim was scared, she did not know what to do, and her body was shaking. Quevedo apologized to her and admitted he "shouldn't be


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doing this.” The jury also heard Quevedo’s testimony that they slept in the camper and nothing occurred.

We conclude a rational juror could infer from this testimony Quevedo committed open or gross lewdness upon his stepdaughter. See NRS 201.210(1)(a); *Gaxiola v. State*, 121 Nev. 638, 647-50, 119 P.3d 1225, 1231-33 (2005) (explaining a victim’s testimony alone is sufficient to uphold a conviction for sexual misconduct). 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. James E. Wilson, District Judge
Robert B. Walker
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk