

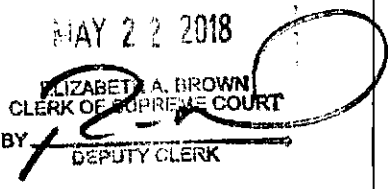
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL BRIAN ALEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73419

FILED

MAY 22 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Brian Aleman appeals from a judgment of conviction entered pursuant to a jury verdict of reckless driving causing substantial bodily harm. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

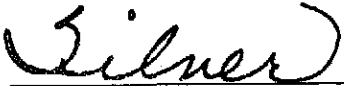
Aleman argues there was insufficient evidence to support the jury's finding of guilt. Aleman asserts the witnesses did not provide reliable testimony that he was speeding and the evidence showed he tried to avoid the accident. Aleman argues the evidence only established he exercised poor judgment, which is insufficient to demonstrate he committed a crime. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); *see also Jackson v. Virginia*, 443 U.S. 307, 319 (1979).


The record reveals one witness testified he estimated Aleman drove past him going approximately 120 miles per hour and another witness testified he estimated Aleman drove past him going approximately 100 miles per hour. The witnesses testified Aleman later attempted to pass other vehicles by driving into the oncoming traffic lane as another vehicle

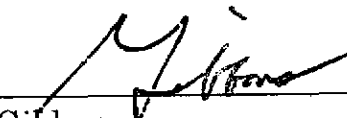
approached and the two vehicles collided. The victim testified that she was driving when Aleman's vehicle pulled into her lane, causing an accident. The victim stated she sustained multiple injuries as a result of the collision, including damage to her carotid artery and fractures of her femur and a vertebrae.

Based on this testimony, the jury could reasonably find Aleman displayed a willful or wanton disregard for the safety of persons or property, and the jury could reasonably conclude Aleman committed reckless driving causing substantial bodily harm. See NRS 484B.653(6). 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). Therefore, we conclude Aleman's argument lacks merit, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk