

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON MICHAEL HANSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76871-COA

**FILED**

FEB 05 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brandon Michael Hanson appeals from a judgment of conviction, pursuant to a jury verdict, of first degree murder with a deadly weapon, burglary while in possession of a deadly weapon, robbery with the use of a deadly weapon, and two counts of break, injure or tamper with motor vehicle. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Hanson and Makayla Rhiner, the victim, were in a dating relationship that lasted about six months.<sup>1</sup> Rhiner broke up with Hanson and began dating another man. Hanson was frustrated because Rhiner had ended their relationship without telling Hanson the reason. In the weeks leading up to Rhiner's death, Hanson slashed the tires on a car belonging to Rhiner's mother. Later, Hanson used a KA-BAR knife to scrape the paint, puncture the hood, and slash the tires of Rhiner's new boyfriend's car, causing over \$10,000 worth of damage. Hanson also sent a text message to a friend stating that he was having "murderous thoughts and probably shouldn't be alone."

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<sup>1</sup>We do not recite the facts except as necessary for our disposition.

The day that Hanson killed Rhiner, Hanson parked his car in a neighborhood near Rhiner's apartment instead of the guest parking lot of Rhiner's apartment complex. He then squeezed through the apartment complex's metal bar fence instead of entering through the main gate. As he was waiting outside Rhiner's garage, she arrived home from work. He immediately confronted her, demanding a reason as to why she broke up with him. When she told him she did not want to talk about it with him, he became angrier and removed his KA-BAR knife from his backpack. He then stabbed or cut her 24 times including six times in the neck with the knife. He fled the garage with her personal property and disposed of his shoes, the knife, her cell phone, and her purse. A few days later, the police interviewed Hanson without arresting him, and he confessed to vandalizing the cars and to stabbing and killing Rhiner. The jury found him guilty of all charges.

On appeal, Hanson only challenges the first degree murder conviction, arguing that there was insufficient evidence to prove that he premeditated and deliberated prior to killing Rhiner. We disagree.

When reviewing a challenge to the sufficiency of evidence supporting a criminal conviction, we consider "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." *Stewart v. State*, 133 Nev. 142, 144, 393 P.3d 685, 687 (2018) (emphasis omitted) (internal quotations omitted). "[I]t is the jury's function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses." *Rose v. State*, 123 Nev. 194, 202-03, 163 P.3d 408, 414 (2007) (alterations in original) (internal quotations omitted). We will not disturb a verdict supported by substantial evidence. *Stewart*, 133 Nev. at 144-45, 393 P.3d at 687. "Circumstantial evidence

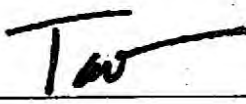
alone may support a judgment of conviction.” *Collman v. State*, 116 Nev. 687, 711, 7 P.3d 426, 441 (2000). Circumstantial evidence is particularly relevant when determining premeditation and deliberation because there rarely is direct evidence of those elements. *Leonard v. State*, 117 Nev. 53, 75, 17 P.3d 397, 411 (2001).

Here, although Hanson’s expert testified that Hanson was suffering from clinical depression at the time of the attack, the expert also testified that people suffering from clinical depression could still make plans. Moreover, Hanson’s deliberation and premeditation can be circumstantially inferred from the totality of the evidence including the malicious damage he did to the cars in the days leading up to the fatal attack and his text message to his friend about his murderous thoughts. Also, on the day of the attack—even though Hanson had a cell phone car charger—he left his phone at home, allegedly because the battery was low, thus preventing the phone from possibly showing his location when he attacked Rhiner. Additionally, instead of parking near her home, he parked on the outside of her apartment complex, brought his backpack, and entered the complex by squeezing through the fence. He waited for her to return home, confronted her, was upset, and became “more mad.” He removed a large knife from his backpack and then stabbed or cut Rhiner 24 times. According to Hanson, she resisted the attack as she tried to kick him; police investigators also observed that she had many defensive wounds on her body. Further, after Hanson killed Rhiner, he immediately disposed of Rhiner’s purse and phone, his own knife and bloody shoes, and he put on the extra pair of shoes he had in his car, suggesting he had a plan.

Therefore, based on the direct and circumstantial evidence in this case, a rational jury could have found that Hanson premeditated and deliberated prior to killing Rhiner.<sup>2</sup> Accordingly, we

ORDER the judgement of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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

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<sup>2</sup>The district court instructed the jury on second degree murder and voluntary manslaughter based upon the charge of open murder and Hanson's theory of the case. The jury rejected his theory. Also, at oral argument, Hanson asserted that he was not guilty of felony murder. However, he was not charged with or convicted of felony murder.