

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHLEEN CARTER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37366

FILED

JUN 27 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of second degree murder with the use of a deadly weapon. The district court sentenced appellant to a prison term of 10 to 25 years, with an equal and consecutive term for the use of a deadly weapon.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. 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.¹


In particular, we note that evidence was adduced to show that the victim was planning to tell appellant that she could no longer live in the victim's apartment, the victim and appellant were heard arguing shortly before the victim was killed, that appellant was the only person in the room with the victim when he was killed, that the fatal stab wound was likely not self-inflicted, that appellant took no action to save the victim until the body was discovered by the victim's son, and that appellant told numerous conflicting stories when questioned by the police.

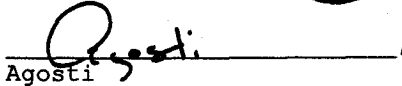
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

The jury could reasonably infer from the evidence presented that appellant fatally stabbed the victim, and that appellant acted with malice. 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.²

Having considered appellant's contention and concluded it is without merit, we

ORDER the judgment of conviction AFFIRMED.


Shearing J.


Agosti J.


Rose J.

cc: Hon. Sally L. Loehrer, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

²See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).