IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOE EDWARD HUDSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80784-COA

FILED

FEB 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Joe Edward Hudson appeals from a judgment of conviction, pursuant to a jury verdict, of battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In 2014, Hudson was living on and off with his then-girlfriend Stella Havis.[1] Stella's three sons, Havis, Jordan, and Kempton Dillard, also lived with her at the time. On the day of the subject incident, Hudson, Stella, and Havis got into a heated argument because Havis deliberately broke Hudson's tablet. At some point, the argument escalated into a physical altercation between Havis and Hudson, which resulted in Hudson allegedly choking Havis. Jordan intervened and attempted to break up the altercation by striking Hudson, but ultimately he was unsuccessful. Eventually, Kempton successfully broke up the altercation.

Moments later, a second altercation developed between Havis, Jordan, and Stella. Again, the incident turned physical, resulting in pushing, shoving, and Stella allegedly being struck on top of the head. Looking to diffuse the situation, Jordan began pulling Havis toward the front door in an attempt to separate him from Stella. As Jordan was leading Havis out the front door, Hudson, who apparently heard Stella yelling, came

[1]We do not recount the facts except as necessary to our disposition.

out of the kitchen holding a knife. Hudson then moved toward Havis and Jordan, who were standing at or near the threshold of the front door, and stabbed both of them in the back with the knife.

The State charged Hudson with battery with the use of a deadly weapon constituting domestic violence, battery with use of a deadly weapon, and battery constituting domestic violence (strangulation).[2] Prior to trial, Hudson filed a motion to dismiss the prosecution and filed a motion in limine to preclude the State from introducing his prior felony convictions. After a hearing on both motions, the district court denied the motions, reasoning that the motion to dismiss did not raise a basis for relief and that the prior felonies were admissible for impeachment purposes if Hudson testified at trial.[3] Additionally, the State offered Hudson a plea deal, which he rejected, and filed a timely notice of intent to seek habitual adjudication.

At trial, the State presented, among other things, testimony from Havis, Jordan, and Stella that Hudson stabbed Havis and Jordan in the back, Havis was attempting to exit the house when Hudson stabbed him, neither Havis nor Jordan hit or attacked Stella,[4] and both Havis and

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[2]Hudson was originally tried and convicted in 2015. On appeal, however, this court reversed and remanded for a new trial, concluding that Hudson, who represented himself during his first trial, had not knowingly, intelligently, and voluntarily waived his right to counsel. *Hudson v. State*, Docket No. 68574-COA (Order of Reversal and Remand, Jan. 23, 2017).

[3]The Honorable Michelle Leavitt, District Judge, heard the motion to dismiss, while the Honorable Mary Kay Holthus, District Judge, presided over the motion in limine, the jury trial, and sentencing.

[4]We note that Stella's testimony is inconsistent on this point. During direct examination, she testified that something or someone hit her on top of the head, but she did not see who did it or what hit her. On cross-

Jordan were unarmed when they were stabbed. The State also presented some photographic evidence corroborating portions of Havis's, Jordan's, and Stella's testimony and presented testimony from law enforcement. Hudson's theory of the case was that he was acting in self-defense or in the defense of others. In support of this theory, Hudson testified that Havis was the primary aggressor in the initial altercation, he was defending Stella during the second altercation, and during the second altercation there was a knife on the floor that he believed Jordan was attempting to grab.

After a four-day trial, the jury found Hudson guilty of battery with the use of a deadly weapon as to Havis, but acquitted him on the other counts. The district court adjudicated Hudson under the large habitual criminal statute and sentenced him to life in prison without the possibility of parole. This appeal followed.

On appeal, Hudson argues that (1) the district court abused its discretion when it sentenced him to the maximum term allowed under the large habitual criminal statute because the sentence was imposed as punishment for exercising his right to a jury trial and because it is cruel and unusual, (2) the district court abused its discretion in admitting evidence of his prior felony convictions, (3) the district court abused its discretion in denying his motion for a mistrial, (4) the district court abused its discretion in denying his proposed jury instructions, (5) the district court abused its discretion in denying his motion to dismiss, and (6) the State presented insufficient evidence to support his conviction and that the verdicts were inconsistent. We disagree and therefore affirm the judgment of conviction.

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examination, however, she implied that it had to have been Havis who struck her because Jordan was too far away.

The district court did not abuse its discretion in imposing the maximum sentence

Hudson argues that the district court abused its discretion by sentencing him to the maximum term of incarceration permitted under the large habitual criminal statute—that is, life without the possibility of parole. Specifically, Hudson avers that the district court imposed the life sentence because, rather than accepting the State's plea offer, he exercised his constitutional right to a jury trial. Hudson also contends that his life sentence violates the Eighth Amendment, as it "is extreme and grossly disproportionate to the crime . . . and shocks the conscience."

District courts are afforded wide discretion in their sentencing decisions, and this court "will refrain from interfering with the sentence imposed '[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.'" *Allred v. State*, 120 Nev. 410, 420, 92 P.3d 1246, 1253 (2004) (alteration in original) (quoting *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976), *limited on other grounds by Knipes v. State*, 124 Nev. 927, 192 P.3d 1178 (2008)). Thus, "absent an abuse of discretion, the district court's determination will not be disturbed on appeal." *Randell v. State*, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993).

"Imposition of a harsher sentence based upon the defendant's exercise of his constitutional rights is an abuse of discretion and the sentence cannot stand." *Bushnell v. State*, 97 Nev. 591, 593, 637 P.2d 529, 531 (1981). Here, unlike in *Bushnell*, there is nothing in the record indicating that the district court imposed a harsher sentence because Hudson rejected the State's plea offer and exercised his right to a jury trial. Indeed, at Hudson's sentencing hearing, the district court focused exclusively on his history of recidivism. Hudson's assertion that "[i]t is clear

that [he] was punished because he asserted his constitutional right to go to trial" is wholly unsupported by the record. Thus, the claim does not form a basis for relief. *Cf. Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (explaining that appellant was not entitled to postconviction relief where his "motion consisted primarily of 'bare' or 'naked' claims for relief"). Furthermore, Hudson cites no authority in support of his implied proposition that a trial court abuses its discretion when it imposes upon a criminal defendant a more severe sentence than the one he would have received had he accepted the State's plea deal. *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument . . . .").

We are also unpersuaded by Hudson's claim that his sentence violates the Eighth Amendment. Neither the Eighth Amendment of the United States Constitution nor Article 1, Section 6 of the Nevada Constitution "require strict proportionality between crime and sentence but forbids only an extreme sentence that is grossly disproportionate to the crime." *Chavez v. State*, 125 Nev. 328, 347-48, 213 P.3d 476, 489 (2009). "Regardless of its severity, a sentence that is within the statutory limits is not cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Id.* at 348, 213 P.3d at 489 (internal quotation marks omitted).

Here, Hudson does not dispute that he qualified for habitual criminal adjudication and that the district court was permitted to impose a sentence of life without the possibility of parole. *See* NRS 207.010(1)(b)(1) (authorizing a sentence of life without parole after three felony

convictions).[5] Because the sentence imposed was within the statutory limits, the district court did not abuse its discretion, nor is the sentence cruel and unusual. *Chavez*, 125 Nev. at 348, 213 P.3d at 489.

Neither is the sentence grossly disproportionate. A sentence is not rendered grossly disproportionate merely because a recidivist statute enhances the length of a defendant's sentence, thus imposing upon a criminal defendant a harsher sentence than what he might have otherwise received. *See, e.g., Ewing v. California*, 538 U.S. 11, 29 (2003) ("In weighing the gravity of [an] offense, we must place on the scales not only his current felony, but also his long history of felony recidivism."); *see also Lader v. Warden*, 121 Nev. 682, 689, 120 P.3d 1164, 1168 (2005) (providing that NRS 207.010 is "intended to increase and supersede the punishment for a recidivist criminal beyond any sentence he would otherwise face"). Therefore, we conclude that the district court did not abuse its discretion in imposing the maximum sentence.

The district court did not abuse its discretion in denying Hudson's motion in limine

Hudson argues that the district court abused its discretion when it denied his motion in limine seeking to prohibit the State from questioning him about prior felony convictions, specifically his murder conviction from 1976 and his robbery conviction from 1998. "A district court's ruling on a motion in limine is reviewed for an abuse of discretion."

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[5]In 2019, the Legislature amended NRS 207.010(1)(b). As a result of that amendment (effective July 2020), a criminal defendant must now have at least seven prior felony convictions to qualify for large habitual criminal treatment. *See* 2019 Nev. Stat., ch. 633, § 86, at 4441. Because Hudson was adjudicated before July 2020, the prior version of NRS 207.010(1)(b) is applicable here. *See* 2009 Nev. Stat., ch. 156, § 1, at 567.

Whisler v. State, 121 Nev. 401, 406, 116 P.3d 59, 62 (2005). The district court's decision to admit or exclude such evidence "will not be disturbed unless it is manifestly wrong." *Wesley v. State*, 112 Nev. 503, 510, 916 P.2d 793, 798 (1996).

Evidence of a prior conviction is admissible for the purpose of impeachment if the conviction involved a sentence of death or imprisonment of more than one year, and not "more than 10 years has elapsed since" the defendant's release from incarceration or the expiration of his parole or probation, whichever is later. NRS 50.095(1)-(2). Further, "NRS 50.095 imposes no requirement that such impeachment should be limited to only those felonies directly relevant to truthfulness or veracity." *Pineda v. State*, 120 Nev. 204, 210, 88 P.3d 827, 832 (2004). "Before admitting such evidence, the district court must balance 'the potential for prejudice against the usefulness of the prior conviction for the purpose of impeachment.'" *Whisler v. State*, 121 Nev. 401, 406, 116 P.3d 59, 62 (2005) (quoting *Hicks v. State*, 95 Nev. 503, 504, 596 P.2d 505, 506 (1979)); *see also* NRS 48.035(1) (providing that relevant evidence is inadmissible "if its probative value is substantially outweighed by the danger of unfair prejudice").

Because both of Hudson's convictions were admissible under NRS 50.095,[6] which he concedes, his argument on appeal necessarily proceeds from the premise that the district court did not properly balance the risk of unfair prejudice against the probative value of his prior convictions. *See* NRS 48.035(1). However, the record demonstrates that the

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[6]Here, the instant crimes were committed in 2014. Hudson's release on the 1976 murder conviction included lifetime parole. Further, Hudson was still on parole in 2011 for the 1998 robbery, until it was revoked later that year. Thus, both convictions fall within the parameters set forth in NRS 50.095(2)(b).

district court did consider the risk of unfair prejudice to Hudson, but ultimately determined that the convictions were relevant for impeachment. Specifically, the court ruled that if Hudson were to testify, the State's inquiry would be limited to the type of felony he committed, the date it occurred, and the jurisdiction where he was convicted. The district court limited the State's inquiry further, ruling that the State could not reference whether Hudson was on parole at the time the instant crimes were committed. The district court also observed that the Legislature, when it drafted NRS 50.095, recognized that more serious offenses would entail longer periods of parole, and specifically reasoned that evidence of older, more serious felonies was probative and generally admissible. Thus, the record indicates that district court engaged in a probative-prejudice balancing.

Though not expressly mentioned in the record, Hudson's prior convictions were particularly probative in this instance because his theory of the case was that he acted in self-defense and/or the defense of others, placing his credibility directly in issue. *Cf. Pineda*, 120 Nev. at 210, 88 P.3d at 832 ("By testifying that he took the [victim's life] in self-defense, Pineda placed his credibility squarely in issue."). Because the record indicates that the district court considered the probative value and the potential prejudicial effect of Hudson's prior convictions, and because the convictions were relevant to Hudson's credibility, we conclude that the district court's decision to deny Hudson's motion in limine was not manifestly wrong and therefore not an abuse of discretion.

The district court did not abuse its discretion when it denied Hudson's motion for a mistrial

Hudson argues that the district court abused its discretion when it denied his motion for a mistrial. At trial, Jordan testified that Hudson moved into their house "shortly after he was *released*." (Emphasis added.) Before Jordan expanded, Hudson objected, the jury was dismissed, and the parties conducted a sidebar. During the sidebar, the court admonished Jordan and instructed him to refrain from testifying about Hudson's criminal record. Hudson then moved for a mistrial, arguing that the jury was tainted because "any juror with any commonsense knows what that means, when you heard the word released, it means released from prison." The district court denied the mistrial motion, reasoning that the State did not elicit the testimony. The district court did, however, offer to issue a curative instruction, but Hudson declined to have such an instruction given. Hudson now avers, as he did below, that Jordan's testimony tainted the jury and that "[a]ny rational juror would interpret that as released from prison."[7]

"The trial court has discretion to determine whether a mistrial is warranted, and its judgment will not be overturned absent an abuse of discretion." *Rudin v. State*, 120 Nev. 121, 142, 86 P.3d 572, 586 (2004). "The

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[7]Hudson also argues that Jordan's testimony essentially compelled him to testify, which he had not committed to doing prior to Jordan referencing his release. However, Hudson waived this argument because he failed to raise it in the district court. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal."); *see also State v. Taylor*, 114 Nev. 1071, 1077, 968 P.2d 315, 320 (1998) ("Generally, failure to raise an issue below bars consideration on appeal."). Therefore, we decline to address this issue for the first time on appeal.

test for determining whether a statement refers to prior criminal history is whether the jury could reasonably infer from the facts presented that the accused had engaged in prior criminal activity." *Thomas v. State,* 114 Nev. 1127, 1142, 967 P.2d 1111, 1121 (1998).

In *Thomas*, a witness "testified that she had asked Thomas, '[H]ave you done something that would put you back in jail?'" *Id.* at 1141, 967 P.2d at 1121 (alteration in original). Thomas objected and moved for a mistrial. *Id.* at 1141-42, 967 P.2d at 1121. The district court denied Thomas's mistrial motion after confirming that the prosecutor had instructed the witness not to reveal anything about Thomas's criminal history and determining that the witness's statement was inadvertent. *Id.* at 1142, 967 P.2d at 1121. The district court also offered to admonish the jury, but Thomas refused the offer. *Id.*

On appeal, the supreme court affirmed, concluding that although the jury could reasonably infer that Thomas was involved in criminal activity, the statement revealed nothing about the seriousness of the crime. *Id.* Moreover, while the comment was error, "it was harmless because the evidence against Thomas was overwhelming, the comment was unsolicited by the prosecutor and inadvertently made, and Thomas declined the court's offer to admonish the jury." *Id.*; *see also Rice v. State,* 108 Nev. 43, 44, 824 P.2d 281, 282 (1992).

We conclude that Jordan's comment was similarly harmless. First, the State did not elicit the testimony. Indeed, the prosecutor simply asked, "how do you know Joe [Hudson]?" Jordan responded that Hudson was his mom's friend and that "he just kind of moved in one day, like shortly after he was released, I think. I really don't know." Thus, the State did not attempt to draw from Jordan improper testimony. Second, Jordan's

comment did not reference jail or prison, making it far more innocuous than the witness's statement in *Thomas*, which the supreme court found harmless despite its overt reference to jail. Because Jordan did not expand on his comment or mention where Hudson was released from, it is not immediately obvious that Jordan was referencing jail. Moreover, to the extent that the jury inferred Hudson had previously been in jail or prison, Jordan's statement revealed nothing about the seriousness of Hudson's prior conduct. *Thomas,* 114 Nev. at 1142, 967 P.2d at 1121.

Last, like in *Thomas*, the district court determined that Jordan's comment was inadvertent and offered to admonish the jury with a limiting instruction, which Hudson declined. Further, as discussed in detail below, the State presented substantial evidence of guilt. Therefore, Jordan's comment was harmless and did not warrant a mistrial. *See Thomas*, 114 Nev. at 1142, 967 P.2d at 1121; *see also Rice*, 108 Nev. at 44, 824 P.2d at 282 (concluding that testimony about prior criminal activity was harmless where "[t]he statements were unsolicited, the references were inadvertent, and defense counsel declined the judge's offer to give the jury a limiting instruction"). Accordingly, we conclude that the district court did not abuse its discretion by denying Hudson's motion for a mistrial.

The district court did not abuse its discretion when it denied Hudson's proposed jury instructions

Hudson argues that the district court abused its discretion by rejecting three of his proposed jury instructions. The State contends that Hudson's proposed instructions were either inaccurate statements of law or duplicative of other instructions.

"The district court has broad discretion to settle jury instructions, and this court reviews the district court's decision for an abuse of that discretion or judicial error." *Crawford v. State*, 121 Nev. 744, 748,

121 P.3d 582, 585 (2005). A criminal defendant "has the right to have the jury instructed on [his or her] theory of the case as disclosed by the evidence, no matter how weak or incredible that evidence may be." *Id.* at 751, 121 P.3d at 586 (internal quotation marks omitted).

Having reviewed the record, we conclude that the district court did not abuse its discretion because Hudson's proposed instructions were substantially covered by other instructions and, therefore, he was not entitled to the duplicative instructions. *Barnier v. State*, 119 Nev. 129, 133, 67 P.3d 320, 322 (2003) (providing that a criminal defendant is not entitled to an instruction "that is substantially covered by other instructions" (internal quotation marks omitted)).

The district court did not abuse its discretion when it denied Hudson's motion to dismiss

Hudson argues that "the district court erred when it did not grant [his] motion for dismissal of prosecution." (Capitalization omitted.) It appears that Hudson is arguing that the district court erred because its order denying his motion did not include findings of fact and conclusions of law.[8]

Preliminarily, we note that Hudson fails to cite any relevant authority or present cogent legal argument on this point. Indeed, Hudson's brief does not even provide the correct standard of review. Citing *Carroll v. State*, 132 Nev. 269, 371 P.3d 1023 (2016), Hudson asserts that his "Motion for Dismissal had mixed questions of law and fact [which] this Court reviews de novo." *Carroll*, however, does not stand for the proposition that

[8]Hudson attempted to file the motion pro se even though he was represented by counsel. After the district court rejected his filing, Hudson's attorney filed the motion on his behalf in its original form.

this court reviews de novo an order denying a criminal defendant's motion to dismiss. Indeed, this court reviews a district court's denial of a motion to dismiss for an abuse of discretion. *See Hill v. State*, 124 Nev. 546, 550, 188 P.3d 51, 54 (2008).

Hudson fails to identify any relevant facts that the district court may have misconstrued or point to any misapplied issues of law that, if correctly applied, would have entitled him to relief. Nor does he direct this court to any defect in the charging document. *Simpson v. Eighth Judicial Dist. Court*, 88 Nev. 654, 660, 503 P.2d 1225, 1229 (1972) (explaining that a charging document is adequate if "it sufficiently apprises the defendant of what he must be prepared to meet" (internal quotation marks omitted)); *see also* NRS 173.075(1).

Notwithstanding his reference to the wrong standard of review, Hudson seems to suggest that the district court abused its discretion because it "summarily denied [his motion] without issuing Findings of Fact[ ] and Conclusions of Law"; however, he cites no authority in support of the supposition that the district court must make detailed findings when denying a motion to dismiss an information or indictment. Moreover, the district court explained its reasoning at the hearing on the motion, stating that it was denying the motion because "all of those issues have already been resolved [by the Nevada Court of Appeals]." In short, Hudson's argument fails because it is not cogently argued or supported by relevant authority. *Maresca*, 103 Nev. at 673, 748 P.2d at 6. And furthermore, nothing in the record suggests that the district court abused its discretion in denying his motion to dismiss.

The State presented sufficient evidence to support Hudson's conviction

Hudson argues that there was insufficient evidence to support his conviction. Specifically, on appeal, Hudson contends that he was clearly

acting in self-defense and that it was irrational that the jury found him guilty of battery with the use of a deadly weapon as to Havis but not Jordan. The State counters, arguing that the evidence was sufficient, as Hudson admitted to stabbing Havis, and that the jury could have had reasonable doubt as to Jordan's stabbing but not Havis's. The State contends that even if the verdicts were inconsistent, as Hudson contends, inconsistent verdicts are not a basis for reversal.

When reviewing the sufficiency of the evidence, this court must decide "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." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see also Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378,1380 (1998). It is the jury's role, not the reviewing court's, "to assess the weight of the evidence and determine the credibility of witnesses." *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Thus, "a verdict supported by substantial evidence will not be disturbed by a reviewing court." *Id.* Moreover, "circumstantial evidence alone may support a conviction." *Hernandez v. State*, 118 Nev. 513, 531, 50 P.3d 1100, 1112 (2002).

To sustain a conviction for battery with the use of a deadly weapon the State must establish that the criminal defendant used "willful and unlawful . . . force or violence upon the person of another," and that he used a deadly weapon to commit the battery. NRS 200.481(1)(a), (2)(e); *see also Rodriguez v. State*, 133 Nev. 905, 907, 407 P.3d 771, 773 (2017). A weapon is considered deadly if it is inherently deadly or if it is used in a deadly manner. *Rodriguez*, 133 Nev. at 908, 407 P.3d at 773.

We conclude that Hudson's insufficiency of the evidence argument fails for three reasons. First, the State produced the necessary minimum threshold of evidence to support Hudson's conviction. *State v. Purcell*, 110 Nev. 1389, 1394, 887 P.2d 276, 279 (1994) (providing that "insufficiency of the evidence occurs where the prosecution has not produced a minimum threshold of evidence upon which a conviction may be based, even if such evidence were believed by the jury"). At trial, Hudson admitted that he used a knife to stab both Jordan and Havis. Specifically, he testified that he stabbed Jordan because he was punching Stella and that he subsequently stabbed Havis when Havis said "don't be stabbing my brother" and attempted to intervene. Thus, if the jury was unconvinced that Hudson acted in self-defense as to Havis, Hudson's testimony alone was sufficient to satisfy the elements of battery with the use of a deadly weapon.

The State also presented the following evidence: (1) Havis's testimony that he suffered two stab wounds from the incident with Hudson, which the State corroborated with photographic evidence; (2) Stella's testimony that Hudson stabbed both Havis and Jordan with a knife as they were attempting to leave the house; and (3) Jordan's testimony that Hudson stabbed him and Havis as they were trying to leave the house. Thus, the State presented sufficient evidence to support the conviction of battery with the use of a deadly weapon.

Second, Hudson's argument primarily attacks the credibility of witnesses and second-guesses the jury's fact finding. For example, Hudson avers that his conduct was "a clear act of defense of others, where [he] believed his actions were necessary to protect Stella"; "that Havis will say anything to protect himself"; and that "[n]o rational jury could have found that this was not self-defense." Despite these contentions, the jury

concluded otherwise, and this court does not reweigh the evidence or determine the credibility of witnesses. *McNair*, 108 Nev. at 56, 825 P.2d at 573. Instead, this court reviews the record to determine whether the evidence was sufficient for a rational jury to conclude that the State proved each element of a charge beyond a reasonable doubt, not whether this court would have convicted based on that same evidence. *See Origel-Candido*, 114 Nev. at 381, 956 P.2d at 1380.

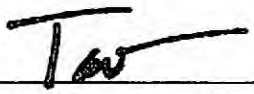
Here, the State presented testimony that Hudson stabbed Havis in the back, Havis was attempting to exit the house when Hudson stabbed him, neither Havis nor Jordan hit or attacked Stella, and that both Havis and Jordan were unarmed when they were stabbed. Accordingly, a rational trier of fact could have found the essential elements of battery with the use of a deadly weapon beyond a reasonable doubt and also concluded beyond a reasonable doubt that Hudson did not act in self-defense or the defense of others as it related to the battery count against Havis.

Last, Hudson's argument that it was irrational and inconsistent that the jury found him guilty of battery as to Havis but not as to Jordan is without merit. First, the jury could have believed that Hudson was acting in self-defense as to Jordan but not Havis. This is especially reasonable considering Hudson testified that during the second altercation with Havis and Jordan he believed that Jordan was attempting to pick up a knife that was lying on the floor. If the jury believed that testimony, then that may have created reasonable doubt as to the battery count related to Jordan. Thus, the verdicts are not necessarily inconsistent or irrational. Second, assuming arguendo that the verdicts were inconsistent, inconsistency in verdicts is not itself a basis for reversal. *See, e.g., Bollinger v. State*, 111 Nev. 1110, 1117, 901 P.2d 671, 675 (1995) (recognizing inconsistent verdicts

as a form of clemency); *see also United States v. Powell*, 469 U.S. 57, 64-68 (1984) (holding that there is no reason to vacate a conviction because the defendant's verdicts were inconsistent). Therefore, such an argument does not provide a basis for relief. Accordingly, we conclude that the State presented substantial evidence to support Hudson's conviction.[9] For the foregoing reasons, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Gibbons



_____, J.
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cc: Hon. Mary Kay Holthus, District Judge
Pitaro & Fumo, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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[9]Hudson also argues that cumulative error warrants reversal. However, in light of our disposition, we need not reach this issue. *See Belcher v. State*, 136 Nev., Adv. Op. 31, 464 P.3d 1013, 1031 (2020) (holding that cumulative error requires multiple errors to cumulate).