

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CESAR EDUARDO ROMERO-MANZO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83048-COA

**FILED**

APR 28 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Cesar Eduardo Romero-Manzo appeals pursuant to NRAP 4(c) from a judgment of conviction entered pursuant to a jury verdict for attempted murder with the use of a deadly weapon and battery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

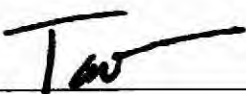
Romero-Manzo argues that insufficient evidence supports his attempted murder conviction because the State failed to establish that he intended to kill the victim. We review “the evidence in the light most favorable to the prosecution” and determine whether “any rational [juror] could have found the essential elements of the crime beyond a reasonable doubt.” *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). “Intent to kill . . . may be ascertained or deduced from the facts and circumstances . . . such as use of a weapon calculated to produce death, the manner of use, and the attendant circumstances.” *Sharma v. State*, 118 Nev. 648, 659, 56 P.3d 868, 874-75 (2002) (alteration and internal quotation marks omitted). 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 substantial evidence supports the verdict. *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

The jury heard testimony that Romero-Manzo was jealous and angry because the victim was dating Romero-Manzo's ex-girlfriend, there was "bad blood" between Romero-Manzo and the victim, and Romero-Manzo threw a rock through the window of the victim's car. When the victim drove to confront Romero-Manzo about throwing the rock, Romero-Manzo crashed his vehicle into the side of the victim's vehicle, disabling it. The victim exited his vehicle with a metal bat. Romero-Manzo exited his vehicle with a gun wrapped in a blue bandana and pointed it at the victim as they walked toward each other. Romero-Manzo uttered an expletive and then shot the victim once in the chest from approximately four feet away. Based on this testimony, any rational juror could reasonably find Romero-Manzo committed attempted murder. *See* NRS 193.200 (explaining how intent is manifested); NRS 193.330(1) (defining attempt); NRS 200.010 (defining murder); NRS 200.020(1) (defining express malice); *Grant v. State*, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001) ("Intent need not be proven by direct evidence but can be inferred from conduct and circumstantial evidence."). Therefore, we conclude Romero-Manzo's argument lacks merit, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Kathleen M. Drakulich, District Judge  
Edward T. Reed  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk