

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LEE WHEELER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88460

FILED

MAR 13 2025

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of battery constituting domestic violence; preventing or dissuading a victim, person acting on behalf of a victim, or witness from reporting crime, commencing prosecution or causing arrest; and false imprisonment. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Christopher Lee Wheeler first argues that the State failed to produce sufficient evidence of battery constituting domestic violence because he acted in self-defense. The State produced evidence that Wheeler's wife told responding police officers that Wheeler knocked her to the ground, slammed the back of her head into the ground, hit her in the face, and choked her. The victim also told police that Wheeler started the altercation. Although the victim recanted at trial, the State further presented photographs depicting injuries consistent with the victim's original account. And the State presented evidence that the victim's daughter had called 911 at the victim's request and told responding officers that she witnessed Wheeler on top of the victim and hitting her. Based on this evidence a rational juror could conclude beyond a reasonable doubt that Wheeler unlawfully and willfully used force on his spouse. See NRS 33.018(1)(a) (providing that a battery against a spouse constitutes domestic

violence); NRS 200.481(1)(a) (defining battery); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (concluding that sufficient evidence supports a conviction where “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”); *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

Further, the victim’s conflicting accounts do not undermine the verdict because the jury impliedly weighed the credibility of the victim’s recantation in reaching its verdict. *See Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981) (observing that the jury determines what weight to give conflicting evidence and upholding a verdict supported by substantial evidence). And the jury impliedly credited the victim’s original assertion that Wheeler initiated the altercation to determine that Wheeler did not act in self-defense. *See Harkins v. State*, 122 Nev. 974, 990, 143 P.3d 706, 716 (2006) (“[S]elf-defense is not available to an original aggressor.”). We therefore conclude that Wheeler has not shown that relief is warranted in this regard.

Wheeler next argues that sufficient evidence was not produced to support the conviction for preventing or dissuading a victim from reporting a crime, commencing prosecution, or causing arrest. Wheeler argues that the State did not show a crime occurred and thus did not show a victim. Wheeler is mistaken because the State showed the crime of battery constituting domestic violence, as detailed above. The State then produced evidence that, after Wheeler battered the victim, Wheeler threatened to kill the victim if she contacted the police. The victim told her daughter to call the police, and Wheeler grabbed the phone away from the daughter. And when police officers were audible outside the apartment,


Wheeler barricaded the front door with a large piece of wood to prevent their entry. Sufficient evidence was thus presented for a rational juror to conclude that Wheeler committed a crime against the victim and then intimidated or threatened the victim to prevent or dissuade her (a crime victim) from reporting the crime to a peace officer. See NRS 199.305 (defining the offense of preventing or dissuading a victim from reporting a crime, commencing prosecution, or causing arrest). We therefore conclude that Wheeler has not shown relief is warranted in this regard.


Lastly, Wheeler argues that the convictions for preventing or dissuading a victim from reporting a crime, commencing prosecution, or causing arrest and for false imprisonment were redundant or violated double jeopardy. Specifically, Wheeler argues that convictions for both charges cannot be sustained because they arise from the same course of conduct. Nevada has rejected the same-conduct approach in reviewing for violations of both double jeopardy and redundancy. *Jackson v. State*, 128 Nev. 598, 609, 611, 291 P.3d 1274, 1281-82 (2012). Rather, we apply the *Blockburger v. United States*, 284 U.S. 299 (1932), test to determine whether convictions for two offenses violate double jeopardy. *Id.* at 604, 291 P.3d at 1278. Dual convictions may stand where “each offense contains an element not contained in the other.” *Id.* Similarly, unless the Legislature has indicated that dual convictions for two offenses are specifically permitted or prohibited, the court will apply *Blockburger* to a redundancy challenge. *Id.* at 611, 291 P.3d at 1282. False imprisonment requires showing “confinement or detention without sufficient legal authority,” NRS 200.460(1), while the preventing-or-dissuading offense requires showing preventing or dissuading a crime victim from “[r]eporting a crime or possible crime,” NRS 199.305(1)(a). Because each offense thus contains an


element not contained within the other, the dual convictions here do not violate double jeopardy. And Wheeler has not shown that the Legislature specifically prohibited cumulative punishment for these offenses, and thus the redundancy challenge likewise fails. We therefore conclude that Wheeler has not shown that relief is warranted in these regards.

Having considered Wheeler's arguments and concluded that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk