

IN THE SUPREME COURT OF THE STATE OF NEVADA

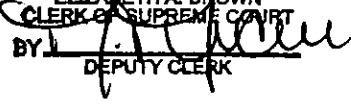
MAURICE AVERY LOPEZ, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89061

FILED

NOV 20 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 bench trial, of voluntary manslaughter with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Appellant Maurice Lopez challenges the sufficiency of the evidence supporting the conviction. In reviewing this claim, “[t]he relevant inquiry is 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.” *Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (internal quotation marks omitted).

After reviewing the record here, we conclude the State presented sufficient evidence for a rational trier of fact to find the essential elements of voluntary manslaughter with the use of a deadly weapon beyond a reasonable doubt. See NRS 193.165(1) (deadly weapon enhancement); NRS 200.040 (defining manslaughter); NRS 200.050 (defining voluntary manslaughter). Eyewitness and Lopez’s own testimony

established that the victim initiated a violent, physical altercation with Lopez, a knife was present during the altercation, and the victim died of wounds consistent with a knife.¹ Two eyewitnesses identified Lopez as the perpetrator at separate lineups and the victim's friend testified that he saw Lopez holding a knife as Lopez and the victim were separated. Further, Lopez immediately fled the scene after the stabbing and, two days later, bought a round-trip ticket to Houston departing the following day. The police then arrested Lopez in Houston after he had activated a new cellphone and used his infant son's identity to make financial transactions. *See Rosky v. State*, 121 Nev. 184, 199, 111 P.3d 690, 699-700 (2005) (explaining that a defendant's flight after a crime may be circumstantial evidence of guilt where "the record supports the conclusion that the defendant fled with consciousness of guilt and to evade arrest").

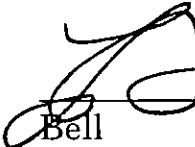
Furthermore, Lopez primarily attacks the credibility of the State's witnesses, but "it is the function of the [finder of fact], not the appellate court, to weigh the evidence and pass upon the credibility of the witness[es]." *Walker v. State*, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). We therefore conclude that the district court, acting as the finder of fact, could reasonably find from the evidence presented that Lopez killed the victim in the heat of passion. *See Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981) (observing that the factfinder's judgment will not be disturbed

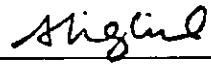
¹Lopez did not include in the record video footage of the aftermath of the altercation that was admitted at trial. *See Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant.").

on appeal where substantial evidence supports the verdict). Accordingly,
we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Tierra Danielle Jones, District Judge
SOS Injury Lawyers
ZT Law Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk