

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER RAMIREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41403

FILED

JAN 21 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of first-degree arson. The district court sentenced appellant Christopher Ramirez to serve a prison term of 48 to 120 months.

Ramirez contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Ramirez argues that the only evidence the State presented against him was the testimony of his ex-girlfriend, Takesha Sheard, who Ramirez alleges was inconsistent and unreliable. We conclude that Ramirez's contention lacks merit.

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹ In particular, Sheard testified that, the day after she broke up with Ramirez, he called her on her cellular phone several times, threatening to break her telephone and television and burn down her apartment. Sheard, who was out with a friend, noticed that the caller ID on her cellular phone indicated that Ramirez's calls originated from inside

¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

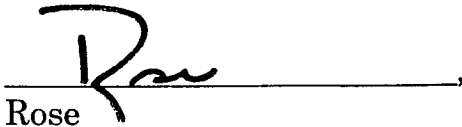
Sheard's apartment. Sheard returned home and discovered that there had been a fire in her bedroom and that her mattress and clothing had been burned. Sheard also testified that, subsequently, Ramirez apologized to her for starting the fire, explaining that he had been drunk.

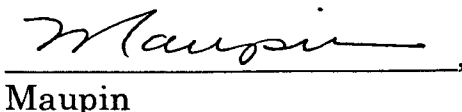
Although Sheard was the only witness who testified that Ramirez started the fire, and Ramirez presented testimony that he was home at the time the defense argued that the fire started, it is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.²

Having considered Ramirez's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


Shearing C.J.


Rose J.


Maupin J.

²See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk