

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41430

FILED

JUN 25 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 attempted murder with the use of a deadly weapon (count I) and first-degree kidnapping with the use of a deadly weapon (count II). Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Rodney Davis to serve two consecutive prison terms of 72 to 240 months for count I and two consecutive life prison terms with parole eligibility in 5 years for count II.

Davis's sole contention is that the evidence presented at trial was insufficient to support the jury's finding of guilt. In particular, Davis contends that the victim's "incredible tale" about the attack was unreliable and refuted by other evidence. Additionally, Davis contends that there was no evidence that he intended to kill the victim because she sustained no substantial physical injuries. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹


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).

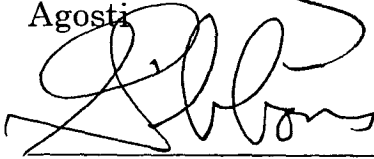
The jury could reasonably infer from the evidence presented, including the testimony of the victim and the Boulder City police officers, that Davis kidnapped and attempted to kill the victim with the use of a firearm.² It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.³

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Stewart L. Bell, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See Rembert v. State, 104 Nev. 680, 681-82, 766 P.2d 890, 891 (1988) (recognizing that the uncorroborated testimony of the victim is sufficient to sustain a conviction); see also Keys v. State, 104 Nev. 736, 740-41, 766 P.2d 270, 272 (1988) (discussing the elements of attempted murder).

³See 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).