

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DENNIS GILLANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60028

FILED

JUL 25 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

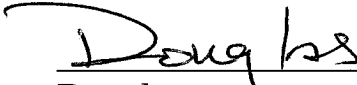
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of attempted murder with the use of a deadly weapon and one count each of battery with a deadly weapon causing substantial bodily harm, assault with a deadly weapon, and carrying a concealed weapon. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

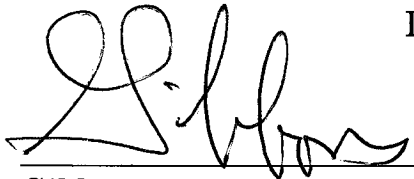
Appellant John Dennis Gillane contends that insufficient evidence was adduced to support the jury's attempted murder verdicts. Specifically, he argues that the State failed to show that he had the necessary intent for the attempted murder charges. We disagree and conclude that the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

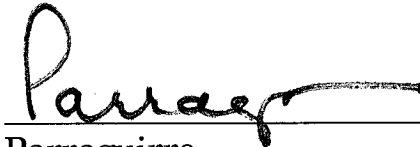
Trial testimony indicated that Gillane was a Wal-Mart Associate. One morning, he went to the store's management office, brandished a pistol, and demanded that the assistant managers be summoned to the office. After a short time, Gillane left the office and saw

that a group of Wal-Mart managers had congregated. Gillane pointed the pistol at a woman and said, "not you." He then pointed the firearm at Eric Hill, called him a "son of a bitch," and shot him in the chest. Moments later, Rick Burns left his office to find out what was happening. Gillane saw Burns and shot him in the arm. Burns fled, and Gillane shot him in the back. Additionally, Wal-Mart surveillance footage of the shootings and several photographs detailing the victims' injuries were shown to the jury. The jury could infer an intent to kill from Gillane's use of a firearm and the other circumstances connected with the perpetration of the offense. See NRS 193.200; Valdez v. State, 124 Nev. 1172, 1197, 196 P.3d 465, 481 (2008) ("[T]he jury may infer intent to kill from the manner of the defendant's use of a deadly weapon."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Patrick Flanagan, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk