


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SEAN MAURICE DEAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74602-COA

FILED

JAN 25 2019

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

ORDER OF AFFIRMANCE

Sean Maurice Dean appeals from a judgment of conviction, pursuant to a jury verdict, of attempted murder with the use of a deadly weapon, battery with the use of a deadly weapon resulting in substantial bodily harm, and battery with a deadly weapon. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Dean engaged in a physical altercation with his ex-girlfriend, Denise Minter, and her ex-husband, Bert Minter. Bert emerged from the fight with seven stab wounds to his side, arm, and buttocks. Denise received a stab wound to her chest. At trial, the State presented testimony from the Minters and from Denise's next-door neighbor, who witnessed part of the altercation. The State also presented other evidence, including testimony from officers involved with the investigation, healthcare providers who treated Bert, and a resident of the trailer home where Dean was apprehended. Dean testified in his own defense, arguing that the Minters, not he, had knives during the altercation and that they must have stabbed each other. The jury found Dean guilty of all charges except the alternative charges of battery with a deadly weapon (Bert) and battery

resulting in substantial bodily harm; the district court did not impose a habitual criminal enhancement.¹

On appeal, Dean contends that the evidence presented at trial was insufficient to support the jury's verdict. We disagree.

When reviewing a challenge to the sufficiency of the evidence, we review the evidence in the light most favorable to the prosecution and determine whether “*any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (internal quotation marks omitted). “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 . . . substantial evidence supports its verdict.” *Rimer v. State*, 131 Nev. 307, 325, 351 P.3d 697, 710 (2015). Circumstantial evidence is enough to support a conviction. *Lisle v. State*, 113 Nev. 679, 691-92, 941 P.2d 459, 467-68 (1997), *overruled on other grounds by Middleton v. State*, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998). Moreover, so long as the victim testifies with some particularity regarding the incident, the victim’s testimony alone is sufficient to uphold a conviction. *See Rose v. State*, 123 Nev. 194, 203, 163 P.3d 408, 414 (2007).


Here, Bert testified that Dean delivered blows to his body that resulted in stab wounds. Denise testified that Dean struck her in the chest with the same hand he used to hit Bert. Joseph Schenk, Denise’s next-door neighbor, testified that he witnessed part of the incident and that he saw Dean take out a knife, open it, and stab Bert twice with it. The physician who treated Bert in the hospital testified that Bert received four stab wounds to his torso, near several vital organs that could have resulted in


¹We do not recount the facts except as necessary to our disposition.


life-threatening injury if they had been lacerated. Lindsay Steele, who also lived in Dean's trailer, testified that she found a pocketknife lying on the floor of the residence at the time Dean was arrested.²

The jury could reasonably infer from the evidence presented that Dean committed the charged crimes. See NRS 193.165; NRS 193.330; NRS 200.010; NRS 200.020; NRS 200.030 (defining attempted murder with the use of a deadly weapon); NRS 200.481(2)(e)(2) (defining battery with the use of a deadly weapon resulting in substantial bodily harm); NRS 200.481(2)(e)(1) (defining battery with a deadly weapon). Because we will not disturb a jury's determinations as to the weight of the evidence or the credibility of the witnesses where, as here, substantial evidence supports the verdict, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, A.C.J.
Douglas


_____, J.
Gibbons

cc: Hon. Alvin R. Kacin, District Judge
Lockie & Macfarlan, Ltd.
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk

²Dean argues that the DNA obtained from the knife excludes him as having handled it and thus the State failed to prove he used it to stab Bert and Denise. However, while one sample obtained from the knife's handle excluded Dean as its contributor, the two other samples, as well as the samples from the knife's blade, neither included nor excluded him.