

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROLANDO G. REYNOSO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67548

FILED

APR 20 2016

TRAVIS K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of felony driving under the influence of intoxicating liquor. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Appellant Rolando G. Reynoso first argues the State failed to prove the corpus delicti of his crime independent of his extrajudicial admissions because the State did not establish Reynoso was the driver of the vehicle. The Nevada Supreme Court has held “[t]he corpus delicti of a crime must be proven independently of the defendant’s extrajudicial admissions.” *Doyle v. State*, 112 Nev. 879, 892, 921 P.2d 901, 910 (1996), *overruled on other grounds by Kaczmarek v. State*, 120 Nev. 314, 333, 91 P.3d 16, 29 (2004). “At a minimum, this requires a prima facie showing by the State permitting the reasonable inference that a crime was committed.” *Byars v. State*, 130 Nev. ___, ___, 336 P.3d 939, 948 (2014) (internal quotation marks omitted).

Prior to admission of Reynoso’s extrajudicial statements, a sheriff’s deputy testified he stopped Reynoso’s truck for failing to stop at a stop sign. The deputy could see three people seated across the cab and

that the driver had short hair, while the persons occupying the middle and passenger seats had long hair. The deputy testified that none of the occupants had hoods or hats covering their hair. The deputy next viewed the driver move to the right and duck his head away from view, while the other two persons stayed within view. Reynoso, who had short hair, then exited the vehicle through the passenger door. The deputy stated the other two occupants, later revealed to be females with long hair, stayed in the middle and passenger seats of the cab.


Based upon this testimony, the State presented a reasonable inference that Reynoso was the driver of the vehicle. Accordingly, Reynoso is not entitled to relief for this claim.

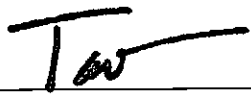
Second, Reynoso argues there was insufficient evidence to support the jury's finding of guilt because the State failed to prove he was the driver of the vehicle. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. *See Origel-Candido v. State*, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998); *see also Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

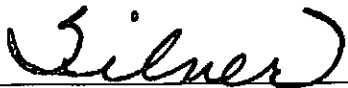
As discussed previously, the sheriff's deputy's testimony established Reynoso was the driver of the vehicle. Moreover, Reynoso made a number of statements to the deputy indicating he was the driver of the vehicle. Based upon the evidence presented at trial, we conclude the jury could reasonably find Reynoso operated his vehicle while under the influence of intoxicating liquor. *See NRS 484C.110(1)*. 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. *See Bolden v. State*, 97 Nev. 71, 73, 624

P.2d 20, 20 (1981); see also *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Steve L. Dobrescu, District Judge
Dylan V. Frehner
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk