

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONTE RASHOD VEALS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78536-COA

FILED

APR 17 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER OF AFFIRMANCE AND REMANDING TO
CORRECT JUDGMENT OF CONVICTION*

Donte Rashod Veals appeals from a judgment of conviction entered pursuant to a jury verdict of battery by a prisoner. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Veals argues there was insufficient evidence produced at trial to support the jury's finding of guilt. Veals acknowledges he threw liquid on a correctional officer. However, Veals contends his act did not constitute a battery because he did not use force or violence and the officer was not injured. 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).

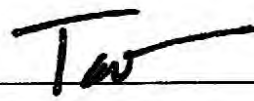
The correctional officer testified he served Veals breakfast through the food-tray slot on Veals' prison cell door. The officer testified Veals threw a liquid on him through the food-tray slot and yelled at him. Veals also testified that he threw water on the officer because he believed correctional staff had mistreated him. The Nevada Supreme Court has previously explained "under NRS 200.481, the 'willful and unlawful use of

... force ... upon the person of another' amounts to criminal battery; that force need not be violent or severe and need not cause bodily pain or bodily harm." *Hobbs v. State*, 127 Nev. 234, 238, 251 P.3d 177, 179 (2011). Given the correctional officer's and Veals' testimony, the jury could reasonably find Veals committed a battery by a prisoner when he threw a liquid on the correctional officer. See NRS 200.481(1)(a), (2)(f).

Although we conclude sufficient evidence supports the conviction, we note the judgment of conviction does not reference the statute under which Veals was sentenced as required by NRS 176.105(1)(c). The judgment of conviction lists NRS 212.189 as the sentencing statute, but the record before this court demonstrates that Veals was actually sentenced pursuant to NRS 200.481(2)(f). We therefore remand this matter to the district court for the limited purpose of correcting the clerical error in the judgment of conviction. See NRS 176.565; *Ledbetter v. State*, 122 Nev. 252, 265, 129 P.3d 671, 680-81 (2006). Accordingly, we

ORDER the judgment of conviction AFFIRMED and REMAND this matter to the district court for the limited purpose of correcting the judgment of conviction.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Eric Johnson, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Attorney General/Ely
Eighth District Court Clerk