

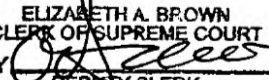
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICO LAGASCA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83657

FILED

DEC 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury trial, of first-degree murder with the use of a deadly weapon, attempted murder with the use of a deadly weapon, battery with the use of a deadly weapon causing substantial bodily harm, second-degree kidnapping with the use of a deadly weapon, three counts of assault with the use of a deadly weapon, and carrying a concealed firearm. Eighth Judicial District Court, Clark County; Michael Villani, Judge.¹

Appellant Rico Lagasca's sole contention on appeal is that the State did not introduce sufficient evidence to sustain his convictions. In reviewing the sufficiency of the evidence, we view the evidence in the light most favorable to the prosecution to 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) (emphasis omitted) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). A jury's verdict will not be disturbed on appeal where substantial evidence supports it. *Bolden v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

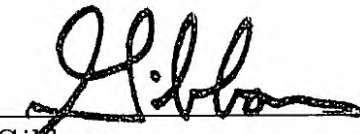
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this matter.

Witnesses testified that appellant fired a semi-automatic pistol at the attendees of a small gathering. Two people were struck and one died as a result of her injuries. After the shooting, appellant compelled one of those present during the shooting to accompany him as a condition of his departure. Forensic investigators recovered physical evidence and noted damage consistent with the discharge of a firearm in the apartment. This evidence was sufficient to support the convictions for first-degree murder with the use of a deadly weapon, attempted murder with the use of a deadly weapon, battery with the use of a deadly weapon resulting in substantial bodily harm, second-degree kidnapping with the use of a deadly weapon, three counts of assault with a deadly weapon, and carrying a concealed firearm. See NRS 193.153(1); NRS 193.165(1); NRS 200.030(1); NRS 200.310(2); NRS 200.471(1); NRS 200.481(2)(e)(2); NRS 202.350(1)(d)(3). While the eyewitnesses acknowledged that they had ingested methamphetamine and marijuana shortly before the shooting, "it is the jury's function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses." *McNair*, 108 Nev. at 56, 825 P.2d at 573. Accordingly, we

ORDER the judgment of conviction AFFIRMED.²


Parraguirre, C.J.


Stiglich, J.


Gibbons, Sr.J.

²The Honorable Mark Gibbons, Senior Justice, participated in this matter under a generally order of assignment.

cc: Hon. Michael Villani, District Judge
Mayfield, Gruber & Sanft/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk