

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN MANUEL SANCHEZ-RAMIREZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88689

**FILED**

**JUN 25 2025**

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 verdict, of attempted murder with the use of a deadly weapon or tear gas, battery with the use of a deadly weapon resulting in substantial bodily harm, assault with the use of a deadly weapon, burglary while in the possession of a firearm or deadly weapon, mayhem with the use of a deadly weapon or tear gas, and being a felon in possession of a firearm. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

*Sufficient evidence supports the conviction*

Appellant Juan Manuel Sanchez-Ramirez argues that insufficient evidence supports his attempted murder, battery, assault, and mayhem convictions.

Evidence is sufficient to support a criminal conviction if “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt” when viewed in a “light most favorable to the prosecution.” *Belcher v. State*, 136 Nev. 261, 275, 464 P.3d 1013, 1029 (2020) (emphasis and internal quotation marks omitted). “The jury’s verdict will not be disturbed on appeal when there is substantial evidence supporting it.” *Brass v. State*, 128 Nev. 748, 754, 291 P.3d 145, 150 (2012).

Daise Juarez testified that several individuals from a local gang were at her apartment to purchase drugs in January 2021. An altercation

occurred, and one person left a wallet and cell phone behind. Juarez gave the items to another individual for safekeeping. The next evening, Sanchez-Ramirez and codefendant Juan Manuel Lopez-Leyva arrived at the apartment to retrieve the wallet and phone, which apparently belonged to a friend of Lopez-Leyva's. Sanchez-Ramirez approached the apartment wielding a firearm and threatened to shoot down Juarez's door if she did not let them inside, so she complied. Sanchez-Ramirez and Lopez-Leyva remained at Juarez's apartment for several hours, refusing to leave until she returned the wallet and the phone, which she told them she did not have. At one point, Juarez threatened to call the police, and Sanchez-Ramirez fired three shots into the grass outside the apartment to demonstrate that the police would not come, even at the sound of gunshots. Later, Sanchez-Ramirez held a gun to Juarez's head and continued to threaten her. Lopez-Leyva ultimately shot Juarez three times before he and Sanchez-Ramirez fled. Juarez survived and is now paralyzed from the chest down.

Viewing the evidence in the light most favorable to the prosecution, we conclude that sufficient evidence supports Sanchez-Ramirez's convictions of attempted murder with the use of a deadly weapon or tear gas, *see* NRS 193.153(1); NRS 200.010, and battery with the use of a deadly weapon resulting in substantial bodily harm, *see* NRS 0.060; NRS 200.481(1)(a), 2(e)(2). The State presented several theories: that the defendants either committed these acts themselves, aided and abetted each other, or conspired with one another in the commission of these acts. Here, Juarez was shot three times and suffered substantial bodily harm. While Sanchez-Ramirez did not shoot Juarez, Juarez testified that he encouraged Lopez-Leyva to shoot and kill her. Thus, a rational juror could infer that

Sanchez-Ramirez intended to kill or injure Juarez so as to support these convictions.

We further conclude that sufficient evidence supports Sanchez Ramirez's conviction of assault with the use of a deadly weapon. *See* NRS 200.471(1)(a), 2(b). Juarez testified that Sanchez-Ramirez held a gun to her head and shot the grass outside of her apartment to threaten her and that she was afraid for her life. Based on this testimony, a rational juror could find that Sanchez-Ramirez intended to place Juarez in fear of being harmed to solicit information about the phone and wallet. Lastly, we conclude that sufficient evidence supports Sanchez-Ramirez's conviction of mayhem with the use of a deadly weapon or tear gas because Juarez is permanently paralyzed as a result of the shooting. *See* NRS 200.280. We therefore conclude that Sanchez-Ramirez's contention is without merit.

*The district court did not abuse its discretion in admitting res gestae evidence*

Sanchez-Ramirez argues that the district court abused its discretion in admitting Juarez's testimony about Sanchez-Ramirez firing a gun into the grass outside of her apartment. He argues that this evidence constitutes a prior bad act and asserts that the district court's refusal to admit similar evidence regarding Lopez-Leyva demonstrates an abuse of discretion. The State argues that the evidence was not a prior bad act but evidence of the crime itself.

A district court's decision to admit evidence is reviewed for an abuse of discretion. *McLellan v. State*, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). Evidence of an uncharged bad act may be admitted under NRS 48.035(3) as *res gestae* where it "is so closely related to" the charged act that the act cannot otherwise be described. "An uncharged act may only be admitted as *res gestae* if it is part of the same transaction—the same

temporal and physical circumstances—as the charged act.” *Alfaro v. State*, 139 Nev., Adv. Op. 24, 534 P.3d 138, 149-50 (2023) (internal quotation marks omitted). Evidence of prior bad acts admitted as res gestae need not comply with the requirements otherwise imposed prior to the admission of prior bad acts pursuant to NRS 48.045(2).

We conclude that the evidence of Sanchez-Ramirez shooting into the grass was admissible as res gestae because it provided a complete story of the crime and was connected to the crimes with which Sanchez-Ramirez was charged. *See Allan v. State*, 92 Nev. 318, 320, 549 P.2d 1402, 1403 (1976) (holding that evidence of other criminal acts was admissible as res gestae to “complete the story . . . by proving the immediate context of happenings near in time and place”). Furthermore, to the extent Sanchez-Ramirez argues that the district court’s refusal to admit similar evidence against Lopez-Leyva demonstrates an abuse of discretion, we find this argument to be without merit. Thus, we conclude that the district court did not abuse its discretion in admitting the evidence of Sanchez-Ramirez shooting into the grass.

*The district court did not abuse its discretion in denying Sanchez-Ramirez’s motion to admit other act evidence*

Sanchez-Ramirez argues that the district court erred in refusing grant his motion seeking to admit evidence of Juarez’s participation in the sale of narcotics. He argues that this information was relevant because it demonstrated bias for Juarez to testify for the State to avoid prosecution for drug activities and that she could have been under the influence during the crime. The State argues that, contrary to Sanchez-Ramirez’s argument, this evidence was presented at trial when he asked Juarez about her drug use on the day the crime occurred.

“Impeachment consists of attacking a witness’s credibility, which depends on that witness’s willingness and ability to tell the truth.” *Collman v. State*, 116 Nev. 687, 709, 7 P.3d 426, 440 (2000). “One may be impeached with respect to such matters as perception, memory, communication, sincerity, or bias.” *Id.* NRS 50.085(3) permits impeaching a witness on cross-examination with questions about specific acts as long as the impeachment pertains to truthfulness or untruthfulness and no extrinsic evidence is used.

It is unclear to what extent Sanchez-Ramirez argues the district court erred. The district court allowed questioning about Juarez’s involvement in the sale of narcotics—albeit, in a limited form. Juarez was asked if she sold narcotics, specifically methamphetamine, and she responded in the affirmative. Sanchez-Ramirez also asked Juarez questions for impeachment purposes, such as whether she had consumed alcohol or used any illegal substances on the day that she was shot, which she denied. Thus, we conclude that the district court did not abuse its discretion in denying Sanchez-Ramirez’s motion to admit other act evidence.

*The district court did not abuse its discretion in admitting evidence of Sanchez-Ramirez’s nickname and police testimony regarding gangs*

Sanchez-Ramirez argues that the district court abused its discretion in allowing Juarez to refer to him using his nickname and to allow law enforcement officers to testify regarding their gang experience. The State argues that this evidence was relevant and highly probative because it was admitted for specific nonpropensity purposes—to help identify Lopez-Leyva and Sanchez-Ramirez.

“The decision to admit gang-affiliation evidence rests within the discretion of the trial court.” *Butler v. State*, 120 Nev. 879, 889, 102 P.3d

71, 78 (2004). Before admitting it, “the trial court must determine whether (1) the evidence is relevant, (2) it is proven by clear and convincing evidence, and (3) its probative value is not substantially outweighed by the danger of unfair prejudice.” *Id.*

No witness testified that Sanchez-Ramirez’s nickname was gang-related or that Sanchez-Ramirez was part of a gang. Several officers from the Regional Gang Unit testified about their experience, and while a jury could infer that Sanchez-Ramirez possessed gang affiliations based on this testimony, the probative value of such testimony was not substantially outweighed by its prejudicial effect. Furthermore, Sanchez-Ramirez’s nickname was only used for nonpropensity purposes, in that it assisted officers in identifying and locating him early on in the investigation. *Cf. Jaramillo v. State*, No. 73720, 2019 WL 1450198, at \*3 (Nev. Mar. 29, 2019) (Order of Affirmance) (concluding that the trial court did not abuse its discretion in permitting evidence of defendant’s gang-related nickname because it was relevant to show how the police identified the defendant as the assailant). We therefore conclude that the district court did not abuse its discretion in admitting the gang-related evidence.

*The district court did not abuse its discretion in denying Sanchez-Ramirez’s motion to sever his case from that of his codefendant*

Sanchez-Ramirez challenges the district court’s denial of his motion to sever his trial from that of Lopez-Leyva. Sanchez-Ramirez argues that joining his trial with that of Lopez-Leyva was unfairly prejudicial for three reasons. First, he argues that the State presented only “marginal” evidence of his guilt as opposed to the extensive evidence presented against Lopez-Leyva, which in turn bolstered the case against Sanchez-Ramirez. Second, Sanchez-Ramirez argues that Lopez-Leyva’s defense theory (that he was afraid of Sanchez-Ramirez and did not willingly shoot Juarez) was

directly antagonistic to his defense theory (that he did not know that Lopez-Leyva was going to shoot Juarez). Lastly, he argues that his ability to present a full theory of his defense was hindered because the district court admitted prior bad act evidence against him but not against Lopez-Leyva. The State argues that sufficient evidence was presented against both defendants and that it did not rely on the testimony of either codefendant to bolster the case. The State further argues that Sanchez-Ramirez was able to present a complete theory of his defense and that the district court's evidentiary decisions did not cause any prejudice.

"The decision to join or sever charges falls within the district court's discretion." *Rimer v. State*, 131 Nev. 307, 320, 351 P.3d 697, 707 (2015). A district court may sever a joint trial if the joinder appears prejudicial to the defendant. NRS 174.165(1). Severance on the basis of inconsistent defenses will be warranted where "the defendants [have] conflicting and irreconcilable defenses and there is danger that the jury will unjustifiably infer that this conflict alone demonstrates that both are guilty." *Jones v. State*, 111 Nev. 848, 854, 899 P.2d 544, 547 (1995) (alteration in original) (internal quotation marks omitted). But "the [inconsistent-defense] doctrine is a very limited one," *id.*, and "mutually antagonistic defenses are not prejudicial per se," *Marshall v. State*, 118 Nev. 642, 647, 56 P.3d 376, 379 (2002) (cleaned up). To show prejudice, a defendant must demonstrate that joinder with a codefendant "compromised a specific trial right or prevented the jury from making a reliable judgment regarding guilt or innocence." *Id.* at 648, 56 P.3d at 380.

We conclude that the district court did not abuse its discretion in declining to sever Sanchez-Ramirez's trial from that of Lopez-Leyva. The State presented significant evidence against Sanchez-Ramirez and the case

against him was not “marginal.” Furthermore, while we agree that the codefendants’ defenses were arguably antagonistic, Sanchez-Ramirez does not show that the joinder compromised a specific trial right or prevented the jury from making a reliable determination as to his guilt or innocence. *See id.* (concluding that the defenses were antagonistic but that the prosecution presented ample evidence against both defendants and the State’s case was not dependent upon the testimony from either defendant and that there was “no indication that anything in [the] joint trial undermined the jury’s ability to render a reliable judgment”). Finally, we conclude that the district court’s refusal to admit certain evidence against Lopez-Leyva did not prejudice Sanchez-Ramirez or prevent him from presenting a complete theory of his defense. *See Lisle v. State*, 113 Nev. 679, 690, 941 P.2d 459, 466 (1997) (“[A] defendant is not entitled to a severance merely because the evidence admissible against a co-defendant is more damaging than that admissible against the moving party.”), *overruled on other grounds by Middleton v. State*, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998).

*The State did not commit prosecutorial misconduct*

Sanchez-Ramirez argues that the State committed prosecutorial misconduct by tampering with Juarez’s testimony during the preliminary hearing. Sanchez-Ramirez claims that the State’s investigator was present in the room when Juarez began to testify remotely and he allegedly whispered to her during her testimony. The investigator explained that he was present to assist Juarez with setting up for her remote testimony and left shortly thereafter.

When a defendant alleges prosecutorial misconduct, we determine first “whether the prosecutor’s conduct was improper” and



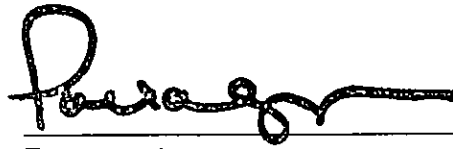
second, if so, whether the conduct warrants reversal. *Valdez v. State*, 124 Nev. 1172, 1188, 196 P.3d 465, 476 (2008). Sanchez-Ramirez has not shown the referenced conduct to be improper and there is no indication that the investigator tampered with or influenced Juarez's testimony. Thus, we conclude that Sanchez-Ramirez's allegations of prosecutorial misconduct are without merit.


*Cumulative error*

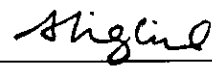
Lastly, Sanchez-Ramirez argues that the cumulative effect of the district court's errors warrants reversal. Sanchez-Ramirez has failed to show an instance of error, and therefore there is no error to cumulate. See *United States v. Sager*, 227 F.3d 1138, 1149 (9th Cir. 2000).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 J.  
Parraguirre

 J.  
Bell

 J.  
Stiglich

cc: Hon. Barry L. Breslow, District Judge  
Law Office of Jeannie Hua  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk