

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUSTIN STEVEN SINYARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88713-COA

FILED

JUN 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Dustin Steven Sinyard appeals from a judgment of conviction, entered pursuant to a jury verdict, of two counts of discharging a weapon where a person might be endangered and two counts of battery with the use of a deadly weapon, victim being a first responder. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Sinyard argues that insufficient evidence supports his battery convictions. Sinyard asserts the charge of battery with the use of a deadly weapon on a first responder requires, in his case, proof that he had the specific intent to use his vehicle as a weapon against law enforcement. He contends the evidence showed that he steered away from colliding with two patrol cars before accidentally striking a third patrol car. He argues there was insufficient evidence of his specific intent given the brevity of the incident and his immediate compliance after the collision. The State contends that the evidence was sufficient for the jury to conclude Sinyard battered first responders with a deadly weapon; it does not contest whether battery of a first responder is a specific intent crime.

When analyzing the sufficiency of the evidence, this court examines “whether, after viewing the evidence in the light most favorable


to the prosecution, 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) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). To obtain a conviction for battery on a first responder with the use of a deadly weapon, the State had to prove that Sinyard committed any willful and unlawful use of force or violence upon the person of a first responder with the use of a deadly weapon. NRS 193.1677(1) (providing the penalty for a defendant who commits felony battery on a victim “because of the fact that the victim is a first responder”); NRS 193.1677(4) (defining a police officer as a first responder); NRS 200.481(1)(a) (defining battery); NRS 200.481(2)(e)(1) (providing the penalty for battery committed with the use of a deadly weapon).

During Sinyard’s trial, several patrol officers testified they were en route to take Sinyard into custody on suspicion of a prior assault with a deadly weapon. As they arrived on the scene of the anticipated stop, officers encountered Sinyard driving down the alley toward them. According to the officers, Sinyard appeared to be driving faster than what was a reasonable speed for traffic in that alley. Sinyard then swerved away from the first two patrol units, accelerated out of the turn, and struck another stationary patrol unit head-on. Sinyard started to reverse, but another unit moved to pin his vehicle in. The jury also viewed video of the collision, which was consistent with the testimony. We need not decide whether battery of a first responder is a specific intent crime because, viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could find beyond a reasonable doubt that Sinyard willfully drove into a clearly marked patrol unit containing the two police officers because they were first responders. *See Grant v. State*, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001)

("Intent need not be proven by direct evidence but can be inferred from conduct and circumstantial evidence."). While the length of the incident and the defendant's immediate compliance with officers' commands may have militated against the conclusion that Sinyard drove into the patrol unit because they were law enforcement officers, it was for the jury to determine the weight of this evidence. *See McNair*, 108 Nev. at 56, 825 P.2d at 573 ("[I]t is the jury's function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen E. Delaney, District Judge
Goodwin Law Group, PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk