

IN THE SUPREME COURT OF THE STATE OF NEVADA

WOODROW HESLIP,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42948

FILED

SEP 15 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a stolen vehicle. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge. The district court sentenced appellant to a prison term of 12 to 36 months.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, appellant argues that there was not sufficient evidence that he intended to permanently deprive the owner of the vehicle.

Initially, we note that this court has previously held that the intent permanently to deprive the owner of the vehicle is not a required element of the crime of possession of a stolen vehicle.¹ Nonetheless, appellant argues that the vehicle cannot be stolen unless the person who took it had the intent to deprive the owner permanently of the vehicle. Even if we were to be persuaded by appellant's argument, 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.²

¹Montes v. State, 95 Nev. 891, 894, 603 P.2d 1069, 1071 (1979).

²See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

In particular, we note that appellant took the vehicle from the victim's business, that he kept it for several days before he was in an accident and totaled the vehicle, and that during the time he had the vehicle, he apparently disposed of ladders and power tools that were in the vehicle.

The jury could reasonably infer from the evidence presented that appellant did not intend to return the vehicle to its owner. 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.³

Appellant also contends that the State improperly argued that appellant's intent at the time he took the vehicle was immaterial, and that the intent permanently to deprive the owner of the vehicle could develop over time. Appellant cites no authority in support of this contention. Moreover, as previously noted, sufficient evidence of appellant's intent was adduced at trial.

Having concluded that appellant's contentions lack merit, we
ORDER the judgment of conviction AFFIRMED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

cc: Hon. Jessie Elizabeth Walsh, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk