

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH KEVIN WILEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44317

FILED

JAN 19 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary, two counts of theft, and two counts of obtaining and use of personal identification information of another. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The district court sentenced appellant to a prison term of 48-120 months for each count with all counts running concurrently. The district court suspended the sentence and placed appellant on probation for a period not to exceed 3 years.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. 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.¹

In particular, we note that several employees of a furniture store testified that appellant claimed to be Dennis Rementilla, that he obtained credit using Rementilla's personal identification information, and that he then purchased furniture using that credit. Additionally, a

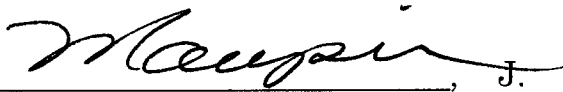
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).


forensic document examiner testified that the documents filled out in connection with the transactions had been written by appellant.

Although the sales associate who originally took the credit application from appellant was unavailable to testify, the jury could reasonably infer from the evidence presented that appellant committed the crimes charged. 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.²

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.

Maupin
 J.

Gibbons

 J.
Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
Jonathan E. MacArthur
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See 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).