

IN THE SUPREME COURT OF THE STATE OF NEVADA

IOANE FILIFILI MATEALONA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44631

**FILED**

OCT 25 2005

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, entered pursuant to a jury verdict, of one count of failing to stop on the signal of a peace officer. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge. The district court sentenced appellant Ioane Filifili Matealona to serve a prison term of 12 to 30 months.

Matealona contends that there was insufficient evidence to establish that he operated the vehicle in a manner which endangered or was likely to endanger any persons other than himself, or the property of any person other than himself.<sup>1</sup> We conclude that Matealona's contention lacks merit.

The standard of review for a challenge to the sufficiency of the evidence to support a criminal conviction is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier

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<sup>1</sup>See NRS 484.348(3)(b) (providing that a driver who operates a "motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself, [is] guilty of a category B felony").

of fact could have found the essential elements of the crime beyond a reasonable doubt.”<sup>2</sup>

Here, Las Vegas Metropolitan Police Officer Miguel Garcia testified that on July 9, 2003, at about 4:30 a.m., he pursued Matealona and co-defendant Sione Fameitau through residential areas with posted speed limits of 25 and 35 miles per hour at pursuit speeds of 40 to 45 miles per hour and reaching maximum speeds of 50 to 55 miles per hour. During the course of the pursuit, Matealona traveled through the intersection of Eastern Avenue and Bonanza Way at a time when day laborers frequent the area. Matealona drove down Bruce Street, a two-lane street with cars parked along both sides. And he turned onto the oncoming traffic lane at Maryland Parkway, which Officer Garcia described as a "fairly blind curve." Throughout the pursuit, Fameitau rode in the bed of the pick-up truck.

Officer William Umana testified that Officer Garcia and Officer Darren Schwartz were engaged in a vehicle pursuit when he arrived at Bonanza Way. He believed that the speed limit on Bonanza Way was 35 miles per hour and stated that the pursuit speed was 40 to 50 miles per hour. When Matealona turned from Bruce Street onto Maryland Parkway, he "made a left [turn] going the wrong way against traffic and continued west on this part of Maryland Parkway." Officer Umana described this area as being dark and stated that "it is a very blind turn, so if you are going too fast, there is no way you can see vehicles coming

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<sup>2</sup>McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

down Maryland Parkway." Officer Umana observed Fameitau riding in the bed of the truck.

Officer Schwartz testified that he positioned himself behind Garcia during the pursuit. He noted that there were two occupants in the truck, the driver and a passenger who was riding in the bed of the truck. Officer Schwartz stated that Matealona was traveling at speeds of 40 to 45 miles per hour on Bruce Street and that he turned into the opposite lane of traffic at Maryland Parkway.

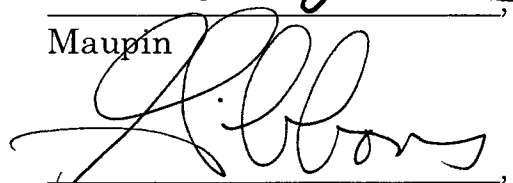
Matealona testified that he drove around the corner into oncoming traffic. He stated that when he made the turn, he did not realize that there was a one-way sign or that he was going the wrong way. However, he admitted that he lived a block away from where he made the turn.

We conclude that the jury could reasonably infer from the evidence presented that the manner in which Matealona was operating his pick-up truck was likely to endanger persons other than himself and property belonging to others. Accordingly, we

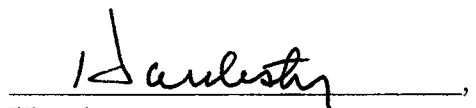
ORDER the judgment of conviction AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Jennifer Togliatti, 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