

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ARNOLD BELLEW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45118

FILED

OCT 24 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, pursuant to a jury verdict, of stop required on the signal of a police officer (count I) and possession of a stolen vehicle (count II). Eighth Judicial District Court, Clark County; Jackie Glass, Judge. The district court sentenced appellant David Arnold Bellew to serve a prison term of 18 to 60 months for count I and a consecutive prison term of 15 to 60 months for count II.

Bellew contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, he asserts that the State failed to produce evidence that he knew or should of known that the vehicle was stolen. 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

NRS 205.273(1)(b) provides that a person commits the offense of possession of a stolen motor vehicle if he "[h]as in his possession a motor

¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

vehicle which he knows or has reason to believe has been stolen." "Direct proof of defendant's knowledge or belief [that the vehicle is stolen] is rarely available."² Therefore, evidence that the defendant was in possession of the stolen vehicle "with slight corroboration in the form of statements or conduct tending to show guilt" is sufficient to sustain a conviction.³

In this case, the State presented sufficient to support the jury's finding that Bellew knew or should have known that the vehicle was stolen. In particular, Las Vegas Metropolitan Police Officer Scott Ambrose testified that Bellew did "sort of a double take" as he drove by in a blue van. Because Officer Ambrose thought Bellew's behavior was unusual, he checked the license plate number of the van and discovered that it was stolen. Las Vegas Metropolitan Police Officer Curtis Lawrence pursued the van and attempted to pull Bellew over. However, Bellew refused to stop the van, jumped the curb, ran a stop sign and sped away. Officer Lawrence testified that Bellew then exited the van while it was moving and ran away on foot, leaving the van to roll into a concrete barrier. Bellew attempted to jump over an apartment complex wall, but slipped. After Bellew refused Officer Lawrence's commands to stop, he used his Taser to take Bellew down to the ground and into custody.

²Montes v. State, 95 Nev. 891, 894, 603 P.2d 1069, 1072 (1979).

³Id. at 894-95, 603 P.2d at 1072.

The van was impounded, and Officer Lawrence testified that it had a missing ignition cover, a common indication that a vehicle is stolen. Additionally, the owner of the van testified that it had been stolen from an auto repair shop, and that when she received it back, the stereo had been removed. Although Bellew argued that he did not know that the vehicle was stolen and only fled from police because he knew he had outstanding warrants, the jury could infer from the testimony describing the condition of the van and Bellew's flight from police, that Bellew knew or should have known the vehicle was stolen. 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.⁴

Bellew's final argument in its entirety states: "Due process is violated because there is no way Bellew could defend himself to prove he knew or had reason to believe the car had been stolen or unlawfully taken without being placed in the Hobson's choice of waiving his constitutionally protected right not to incriminate himself." Bellew, however, fails to cite any relevant legal authority or articulate a cogent argument in support of his claim that due process rights were violated.⁵ Because the argument

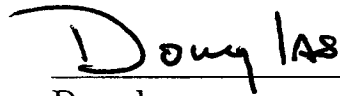
⁴See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

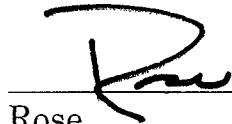
⁵See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").


has not been adequately briefed, we need not consider Bellew's contention.

Having considered Bellew's contentions and concluded that they lack merit or have not been adequately briefed, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

cc: Honorable Jackie Glass, 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