

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOVAN YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45505

FILED

MAR 16 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count each of conspiracy to commit robbery, robbery with the use of a deadly weapon, and grand larceny auto. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Jovan Young to serve a prison term of 19 to 48 months for the conspiracy count, a concurrent prison term of 48 to 120 months for the robbery count with an equal and consecutive term of the deadly weapon enhancement, and a concurrent prison term of 19 to 48 months for the grand larceny auto count.

Young's sole contention is that there is insufficient evidence to sustain the convictions. In particular, Young contends that the victim's testimony identifying him as one of the three participants in the robbery is not credible because, in her written statement to police and in her 9-1-1 call, the description she gave of the gunman's clothing matched Young's co-defendant. 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 the victim testified that Young and two other men stole her car and took her purse at gunpoint. The victim consistently and unequivocally identified Young, in a show-up identification and at trial, as the man who pointed a gun at her and drove away in her car. In addition to the victim, a Henderson police officer, who pursued the stolen vehicle and chased Young on foot as he attempted to flee from police, positively identified Young as the driver of the vehicle. Another Henderson police officer also testified that, with the tracking assistance of a patrol dog, he found Young and one of his co-defendants hiding inside a child's playhouse in the area where the stolen vehicle had been abandoned. In police interviews conducted subsequent to Young's arrest, a Henderson police officer testified that Young admitted that he was inside the stolen vehicle, and also described the color of the gun, as well as the general location where the gun could be found.

The jury could reasonably infer from the evidence presented that Young, along with his codefendants, agreed to take, and did in fact, take the victim's car and purse by force with the use of a deadly weapon.² It is for the jury to determine the weight and credibility to give conflicting

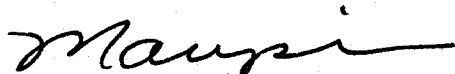
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

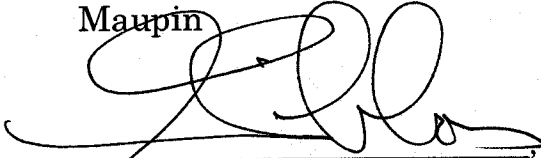
²See NRS 199.480; NRS 200.380; NRS 193.165; NRS 205.228.

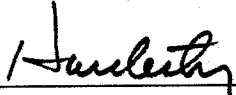
testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.³

Having considered Young's argument and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Valorie Vega, District Judge
Kajioka & Associates
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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).