

IN THE SUPREME COURT OF THE STATE OF NEVADA

JILLINDA LEYVAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45848

FILED

FEB 17 2006

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 felony driving while under the influence of alcohol. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge. Appellant Jillinda Leyvas was sentenced to a prison term of 13-60 months.

Leyvas' sole issue on appeal is that the evidence at trial was insufficient to sustain a guilty verdict. Specifically, Leyvas contends there was no evidence that she drove the vehicle in question. 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

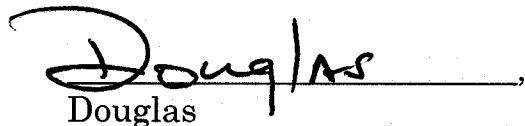
In particular, we note Leyvas was involved in a rear-end traffic collision. Leyvas was found behind the steering wheel, with the engine on, and wearing no clothes from the waist down. The police officer also noticed she was extremely intoxicated based upon the strong presence of alcohol on her breath, bloodshot, watery eyes, slurred speech and her own admissions to have been drinking. Leyvas became combative with

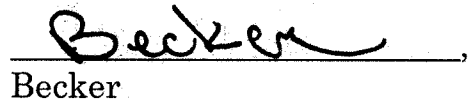
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

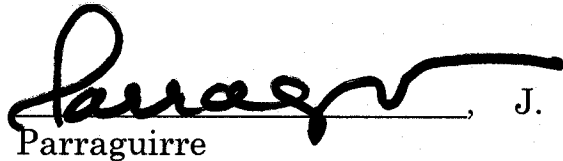
rescue personnel and spit on a nurse drawing blood from her after refusing to comply with Nevada's implied consent law.² Leyvas had a BAC of .266, more than three times the legal limit.

The jury could reasonably infer from the evidence presented that Leyvas drove the vehicle in question. The trier of fact is allowed to draw reasonable inferences from the evidence to establish all elements of the crimes charged.³ 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 As a result, we

ORDER the judgment of conviction AFFIRMED.

 J.
Douglas

 J.
Becker

 J.
Parraguirre

²NRS 484.383.

³See Hughes v. State, 116 Nev. 975, 12 P.3d 948 (2000).

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).

cc: Hon. Michael A. Cherry, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk