

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDRE DESHAUN WINTERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45936

**FILED**

JUL 27 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, entered pursuant to a jury verdict, of two counts of conspiracy to commit burglary, two counts of burglary while in the possession of a deadly weapon, two counts of conspiracy to commit robbery, and three counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant Andre Deshaun Winters to serve various consecutive and concurrent terms of imprisonment totaling 23 to 106 years.

Winters contends that the evidence presented at trial was insufficient to support his convictions for conspiracy, burglary, and robbery arising from the robbery of a Sav-On store because his identity as the perpetrator of these crimes was not proven beyond a reasonable doubt. Our review of the record on appeal, however, reveals sufficient evidence to establish Winters' guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>1</sup>

In particular, we note that the jury had an opportunity to observe the surveillance videotape of the robbery and hear the testimony

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<sup>1</sup>See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (citing Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

of the coconspirator's girlfriend, who stated that she had been around Winters quite a few times and could tell that Winters was one of the perpetrators depicted on the videotape.

We conclude that a rational juror could reasonably infer that Winters was one of the perpetrators of the Sav-On robbery from the evidence adduced at trial. 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.<sup>2</sup> Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.  
Douglas

Becker, J.  
Becker

Parraguirre, J.  
Parraguirre

cc: Hon. Michelle Leavitt, District Judge  
Cristalli & Saggese, Ltd.  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair, 108 Nev. at 56, 825 P.2d at 573.