

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC V. CHAVEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45973

FILED

MAY 02 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of two counts of trafficking in a controlled substance, and one count of possession of a controlled substance with intent to sell. Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

Appellant Eric Chavez was sentenced to two prison terms of 10-25 years for the counts of trafficking in a controlled substance. Chavez was sentenced to a prison term of 12-36 months for the count of possession of a controlled substance with intent to sell. All the counts were ordered to run concurrently.

Chavez contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. 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 Chavez was an occupant of a vehicle that drugs were located in. Law enforcement officers testified that multiple baggies of methamphetamine, cocaine and marijuana were found

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).

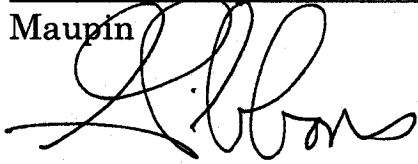
inside a backpack in the vehicle Chavez was in.² All three passengers in the vehicle denied ownership of the backpack. Documents indicating people who owed money were within the backpack that had Chavez's name on them. An envelope was recovered from the backpack that indicated "Tony owes Chavez \$115, paid \$90 and another 8 ball." Additionally, Chavez had approximately \$1100 in cash on him when he was arrested.

The jury could reasonably infer from the evidence presented that Chavez had constructive possession of the backpack and its contents. 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.³

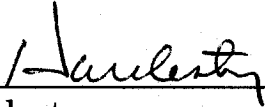
Having concluded that Chavez's contention lacks merit, we
ORDER the judgment of conviction AFFIRMED.



Maupin J.



Gibbons J.



Hardesty J.

²31.42 grams of cocaine, 150.34 grams of methamphetamine.

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).

cc: Hon. Nancy M. Saitta, District Judge
Anthony M. Goldstein
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk