IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 46448

FILED

OCT 17 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of grand larceny auto and one count of burglary. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant David Bellew to a prison term of 24 to 60 months for larceny and a concurrent prison term of 24 to 72 months for burglary.

Bellew first contends that the district court erred by denying three challenges for cause against potential jurors. Bellew argues that he was therefore required to use his peremptory challenges to remove the potential jurors. Bellew does not argue, however, that any juror actually empanelled was unfair or biased. We therefore conclude that he has not demonstrated error warranting reversal.[1]

Bellew next contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Our review of the record

[1]See Blake v. State, 121 Nev. ___, ___, 121 P.3d 567, 578 (2005), cert. denied, 126 S.Ct. 2030 (2006).

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on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.[2]

In particular, we note that Bellew was observed standing by the stolen vehicle moments before it was taken, and that he was apprehended in the vehicle at least 20 miles away approximately 30 minutes later. There was also evidence that Bellew had tampered with the vehicle's On Star system to avoid being tracked.

The jury could reasonably infer from the evidence presented that Bellew entered the vehicle with the intent to steal it and that he did, in fact, steal it. 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]

Bellew next contends that he was unduly prejudiced by the admission of bad character evidence. Specifically, Bellew challenges the arresting officer's reference at trial to the fact that when Bellew was arrested "there was cold beer in the front seat like they were just bought or purchased or taken from somewhere."

NRS 48.045(2) precludes the admission of evidence of other crimes, wrongs, or acts to "prove the character of a person in order to show that he acted in conformity therewith." In this case, the officer's statement was not directed toward Bellew's character, nor can it be

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[2]See 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).

[3]See 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).

considered a bad act. We therefore conclude that the district court did not err by overruling Bellew's objection to the testimony.

Finally, Bellew contends that the cumulative effect of multiple errors warrants reversal of his convictions. However, because we have concluded that Bellew has not demonstrated error, he is not entitled to reversal based on a cumulative error theory.[4]

Having considered Bellew's contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

Becker, J.
Becker

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Michael P. Villani & Associates
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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[4]Cf. Pertgen v. State, 110 Nev. 554, 566, 875 P.2d 361, 368 (1994), abrogated on other grounds by Pellegrini v. State, 117 Nev. 860, 34 P.3d 519 (2001).