

IN THE SUPREME COURT OF THE STATE OF NEVADA


RAUL RODRIGUEZ-PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46502

FILED

MAY 08 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count each of burglary, possession of stolen property, and eluding a police officer. Second Judicial District Court, Washoe County; Peter I. Breen, Judge. The district court sentenced appellant Raul Rodriguez-Perez to serve two concurrent prison terms of 12 to 36 months for the counts of burglary and possession of stolen property, and a consecutive prison term of 12 to 36 months for the count of eluding a police officer.

On appeal, Rodriguez-Perez contends that insufficient evidence was adduced at trial to support his convictions. He specifically claims that the State failed to prove (1) that the shop door was pried open or that he was the only person involved in the burglary, (2) the fair market value of the stolen property was more than \$250.00, and (3) that he drove the pick-up truck in a manner which was likely to endanger the person or property of another. We disagree.

"[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass upon the credibility of the witness."¹ Accordingly, the standard of review for a challenge to the sufficiency of the

¹Walker v. State, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975).

evidence is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational [juror] could have found the essential elements of the crime beyond a reasonable doubt."² Circumstantial evidence is enough to support a conviction.³

Here, the jury heard testimony that Stephen Lacey observed a man in Marc Briseno's hobby shop loading tools into the back of a truck. Lacey called 911 and continued to observe the man until the man drove off. Police Officer Eric Atkins testified that he saw the truck backed-up to the shop door and he could hear the sounds of the truck being loaded. When the man got into the truck and drove off, Officer Atkins turned on his overhead lights and, when the man continued to drive, Officer Atkins gave chase. During the pursuit, the man ran stop signs and traffic lights, traveled at speeds of 90 to 100 miles per hour, hit an orange barrier barrel, and fishtailed while making a turn. Officer Atkins maintained sight of the truck, and, when the truck finally stopped, he ordered the driver to the ground. Officer Atkins identified Rodriguez-Perez as the driver of the pick-up truck. Marc Briseno testified that among the tools that he recovered from the truck were a Miller Mig Welder that he paid \$1,200.00 for, a Rockwell Big Drill that he paid about \$200.00 for, and an angle grinder that he valued at \$100.00.


We conclude from this testimony that a rational juror could reasonably infer that Rodriguez-Perez was guilty of the crimes of burglary, possession of stolen property having a value of more than \$250.00, and


²McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

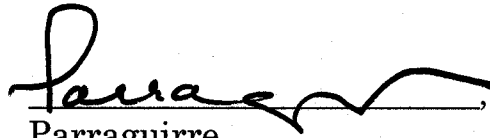
³Lisle v. State, 113 Nev. 679, 691-92, 941 P.2d 459, 467-68 (1997).

cluding a police officer in a manner that was likely to endanger the property and person of another.⁴ Having considered Rodriguez-Perez's contentions and concluded that they are without merit,⁵ we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Second Judicial District Court Dept. 7, District Judge
Bruce D. Voorhees
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Raul Rodriguez-Perez

⁴See NRS 205.060(1); NRS 205.275(2)(b); NRS 484.348(3)(b).

⁵Because Rodriguez-Perez is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of the court shall return to Rodriguez-Perez unfiled all proper person documents he has submitted to this court in this matter.