

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER L. DESHOTEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47353

FILED

JAN 18 2007

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 conspiracy to commit robbery (count I), robbery (count II), stop required on signal of police officer (count III), and battery with the use of a deadly weapon (count IV). Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant Peter L. Deshotel to serve two concurrent prison terms of 24-60 months for counts III-IV, a consecutive prison term of 24-60 months for count I, and a prison term of 36-180 months for count II to run concurrently with the term imposed for count I. The district court ordered Deshotel to pay \$9,163.20 in restitution.

Deshotel's sole contention is that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt. Specifically, Deshotel points out that his codefendant, Willie Brown, testified that Deshotel was not present during the robbery and only got involved when Brown picked him up at his home after the robbery. According to Brown's testimony, Deshotel was driving when police officers attempted to stop the vehicle, and in a panic, proceeded to lead the officers on a high-speed chase.

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹ In particular, we note that the victim positively identified Deshotel as the individual who approached her in a Wal-Mart parking lot, pointed a gun at her, and demanded that she give him the keys to her car. The victim testified that she was also ordered to surrender her purse. Deshotel and Brown drove off in the victim's car and within minutes were spotted by police officers. Officer Carlos Hank testified that he activated the vehicle's red lights and siren, and a high-speed chase ensued. At one point, Deshotel rammed the victim's vehicle into the occupied patrol car of Officer Richard Bilyeu. Officer Michael Boone testified that Wal-Mart surveillance video footage was consistent with the victim's account of the robbery.

Based on the above, we conclude that the jury could reasonably infer from the evidence presented that Deshotel committed the crimes beyond a reasonable doubt.² 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, sufficient evidence supports the verdict.³ Moreover, we note that circumstantial evidence

¹See Mason v. State, 118 Nev. 554, 559, 51 P.3d 521, 524 (2002) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

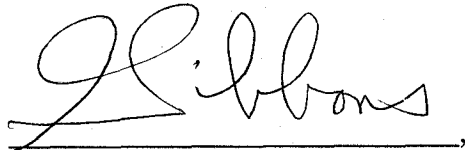
²See NRS 200.380(1); NRS 199.480(1)(a); NRS 484.348(3); NRS 200.481(1)(a).

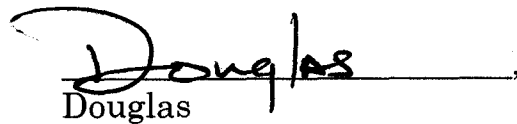
³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

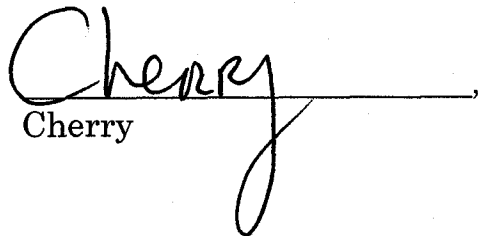
alone may sustain a conviction.⁴ Therefore, we conclude that the State presented sufficient evidence to support the jury's verdict.

Having considered Deshotel's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Stewart L. Bell, District Judge
Paul E. Wommer
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003).