

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE EDWARD BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47473

**FILED**

MAR 14 2007

ORDER AFFIRMING AND REMANDING TO  
CORRECT JUDGMENT OF CONVICTION

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 one count of conspiracy to commit robbery and one count of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court adjudicated appellant Willie Edward Brown a habitual criminal and sentenced him to concurrent prison terms of 60 to 240 months for each count.

Brown 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.<sup>1</sup>

In particular, we note that the victim testified that she was approached by Brown and his co-defendant in a parking lot. The victim further testified that the co-defendant had a gun and demanded her car keys. Upon Brown's urging, the co-defendant also took the victim's purse,

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<sup>1</sup>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).

and the two men left in the victim's car. The victim identified Brown at the scene of the arrest and in court.

The jury could reasonably infer from the evidence presented that Brown conspired to and actually did commit the crime of robbery, despite his testimony that he was merely present when the robbery took place. 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>

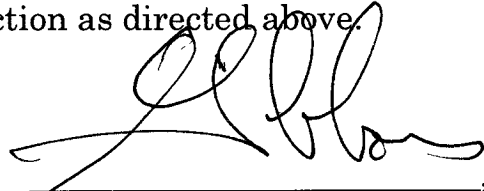
Our review of the judgment of conviction, however, reveals an error. At sentencing, the district court found that Brown was a habitual criminal and sentenced him to 24 to 60 months for each count. This sentence is not consistent with the sentencing range provided in the habitual criminal statute.<sup>3</sup> The judgment of conviction that was entered sets forth a sentence of 60 to 240 months for each count, which is consistent with the habitual criminal statute, but there is no mention of habitual criminal adjudication in the judgment of conviction. Therefore, we conclude that this matter must be remanded to the district court for the limited purpose of entering a corrected judgment of conviction. Accordingly, we

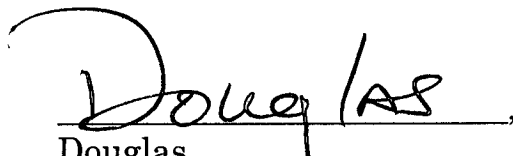
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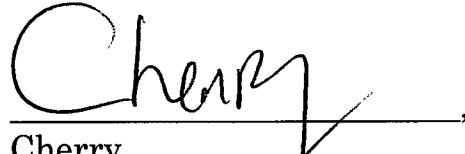
<sup>2</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

<sup>3</sup>See NRS 207.010(1)(a).

ORDER the judgment of conviction AFFIRMED AND  
REMAND this matter to the district court for the limited purpose of  
correcting the judgment of conviction as directed above.

  
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Gibbons J.

  
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Douglas J.

  
\_\_\_\_\_  
Cherry J.

cc: Hon. Stewart L. Bell, District Judge  
Keith C. Brower  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk