

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY LEE HOLMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47517

FILED

DEC 21 2006

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, entered pursuant to a jury verdict, of two counts of possession of a stolen vehicle, one count of possession of burglary tools, one count of burglary, and one count of attempted grand larceny of a motor vehicle. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court adjudicated appellant Jerry Lee Holman a habitual criminal and sentenced him to various concurrent and consecutive terms of imprisonment, amounting to 10 to 40 years.

Holman contends that the evidence presented at trial was insufficient to support his category B felony convictions for possession of stolen vehicles. He specifically asserts that the State failed to prove that

each of the vehicles was worth \$2,500 or more.¹ Our review of the record on appeal, however, reveals sufficient evidence to establish Holman's guilt beyond a reasonable doubt as determined by a rational trier of fact.²

In particular, we note that Sherri Gugler testified that she owned a white 1995 four-door Honda Civic. She purchased the car in 2000 for \$6,000.00. She was planning to sell the car and had been offered \$3,000.00. She took good care of the car and it was in good condition. Susan Finch testified that she owned a 2002 two-door Mercedes Benz SLK 320 Sport that she purchased in 2002 for approximately \$65,000.00. She kept the car parked in her garage.

We conclude that a rational juror could reasonably infer from the evidence adduced at trial that both the Honda and the Mercedes Benz were worth \$2,500.00 or more at the time they were found in Holman's possession.³ 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


¹See NRS 205.273(4) ("If the prosecuting attorney proves that the value of the vehicle involved is \$2,500 or more, the person who violated the provisions of subsection 1 is guilty of a category B felony").

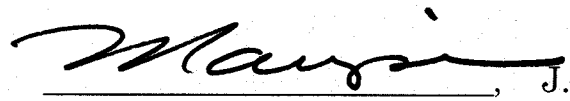
²See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (citing Jackson v. Virginia, 443 U.S. 307, 319 (1979)).


³See NRS 205.273(6) ("the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard").

appeal where, as here, substantial evidence supports the verdict.⁴
Accordingly, we

ORDER the judgment of conviction AFFIRMED.


Gibbons J.


Maupin J.


Douglas J.

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair, 108 Nev. at 56, 825 P.2d at 573.