

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRANT JEREMY LARRABEE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47677

**FILED**

**NOV 08 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, pursuant to a jury verdict, of one count of burglary. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge. The district court sentenced appellant Grant Jeremy Larrabee to a prison term of 12 to 48 months, but suspended execution of the sentence and placed Larrabee on probation for a time period of 48 months.

Larrabee's sole contention is that there is insufficient evidence to sustain the burglary conviction. Specifically, Larrabee argues that there was no evidence that he entered the vehicle with the intent to steal, and no evidence that he took anything given that the purse allegedly taken from the vehicle was not admitted into evidence at trial.<sup>1</sup> Our

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<sup>1</sup>Before trial, the district court granted Larrabee's motion to suppress evidence of the purse, ruling that it was the fruit of an illegal search.

review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.<sup>2</sup>

In particular, we note that the victim testified at trial that her purse was missing, and that it had been inside her vehicle parked in the driveway of her mobile home. Further, the victim's daughter and her friend both testified at trial, identifying Larrabee as the man they had observed rummaging inside the vehicle right before the purse was discovered missing. The victim's boyfriend described how he chased the man, who was carrying a black bag, and observed him go inside a nearby mobile home. The police were called, and the victim and her boyfriend watched the mobile home to ensure that no one exited until the police arrived. The arresting officer testified that Larrabee answered the door; he seemed surprised and matched the eyewitness descriptions in that he was bald and wearing dark clothing.

Under the circumstances, the jury could reasonably infer from the evidence presented that Larrabee entered the victim's vehicle with the intent to take her purse.<sup>3</sup> 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>4</sup>

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<sup>2</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).

<sup>3</sup>See NRS 205.060(1).

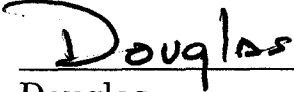
<sup>4</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

Having considered Larrabee's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. J. Michael Memeo, District Judge  
Elko County Public Defender  
Attorney General George Chanos/Carson City  
Elko County District Attorney  
Elko County Clerk