

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL JAMES DAVID,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47695

FILED

NOV 15 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of eluding a police officer. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Joel James David to serve a prison term of 28 to 72 months.

David contends that there was insufficient evidence to support his felony conviction for eluding a police officer. David contends that there was no evidence that he operated his vehicle in a manner that was likely to endanger any other person or their property as required by NRS 484.348(3)(b). While acknowledging that he was driving recklessly and almost hit a police officer, David argues that he was not eluding a police officer at the time because the high-speed pursuit had terminated and the police officers searching for him did not have their vehicles' sirens and lights activated.

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 Reno Police Officers Darryl Plumb and Craig Titterington testified that David refused to stop for police. Officer Plumb observed David drive in the middle turn lane of the roadway at speeds in excess of fifty miles per hour in a thirty-five mile per hour zone. There was moderate traffic in the area and pedestrians on the street. Office Plumb lost sight of David and terminated the high-speed pursuit. Nonetheless, Officer Plumb continued to search the area for David's vehicle.

Office Titterington assisted in the search for David. He located him in a highly-populated residential neighborhood, driving at speeds in excess of sixty miles per hour in a twenty-five mile per hour zone. David almost hit Officer Titterington, who was riding a police motorcycle. David then drove over the curb and crashed into a parked car. He attempted to flee on foot but was apprehended.


The jurors could reasonably infer from the evidence presented that David eluded police officers and operated his vehicle in a manner which was likely to endanger other individuals or their property. 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.²

¹See 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).


²See 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 David's contention and concluded that it lacks merit, we

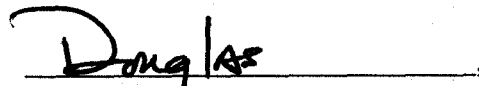
ORDER the judgment of conviction AFFIRMED.



Gibbons J.



Maupin J.



Douglas J.

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk