

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LEE WILCOX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48015

**FILED**

JUL 17 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of conspiracy to commit murder and two counts of first degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge. The district court sentenced appellant David Lee Wilcox to a prison term of 10 years for conspiracy and two consecutive terms of life without parole for murder with equal and consecutive terms of life without parole for the use of a deadly weapon.

Wilcox 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 an eyewitness described the killer and that description matched Wilcox. Four drops of blood were found in the street in front of the victim's home and DNA testing showed that the blood matched Wilcox. The jury also heard testimony that Wilcox and his


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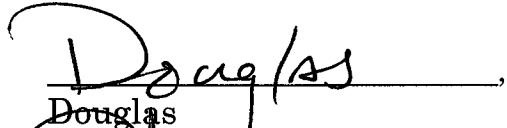
<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

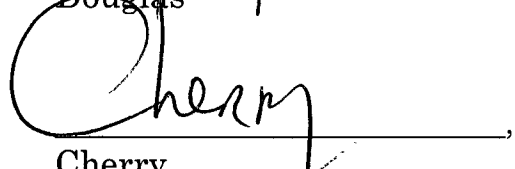
co-defendant John Chartier made incriminating statements in phone calls recorded after the murders. Finally, there was a note admitted at trial that had been written by Chartier to Wilcox instructing Wilcox to "take out" the victims.

The jury could reasonably infer from the evidence presented that Wilcox conspired to and did, in fact, murder the two victims. 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>

Having concluded that appellant's contention lacks merit, we ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Stewart L. Bell, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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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).