N THE SUPREME COURT OF THE STATE OF NEVADA

SHELLI ANNETTE HANNAH A/K/A SHELLI ANNETTE MILBURN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48265

FILED

MAR 08 2007

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a stolen vehicle. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Shelli Annette Hannah to a prison term of 13 to 32 months, but then suspended execution of the sentence and placed Hannah on probation for an indeterminate period not to exceed 3 years.

Hannah contends that there is insufficient evidence supporting the conviction. Specifically, Hannah contends that there was no evidence presented that she knew the car was stolen given her explanation to the arresting officer that her friend had broken the vehicle ignition after the car was abandoned. 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.[1]

NRS 205.273(1)(b) provides that a person commits the offense of possession of a stolen motor vehicle if she "[h]as in [her] possession a motor vehicle which [s]he knows or has reason to believe has been stolen."

[1]See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

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"Direct proof of defendant's knowledge or belief [that the vehicle is stolen] is rarely available."[2] Therefore, evidence that the defendant was in possession of the stolen vehicle "with slight corroboration in the form of statements or conduct tending to show guilt" is sufficient to sustain a conviction.[3]

In this case, the State presented sufficient evidence to support the jury's finding that Hannah knew or should have known that the vehicle was stolen. In particular, the victim testified that her vehicle was stolen. Additionally, a Las Vegas police officer testified that he initiated a traffic stop of a vehicle because it was "cold plated," meaning the license plate number did not match the vehicle. Hannah was the driver of the vehicle. The vehicle had a broken ignition and was not insured. Hannah explained to the police officer that the vehicle belonged to her friend and had been abandoned. Despite Hannah's explanation, the jury could infer from the evidence presented that she knew or should have known the vehicle was stolen. 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.[4]

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[2]Montes v. State, 95 Nev. 891, 894, 603 P.2d 1069, 1072 (1979).

[3]Id. at 894-95, 603 P.2d at 1072.

[4]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).

Hannah also contends that the district court erred by not instructing the jury on the significance of her theory of defense--that she did not know that the vehicle had been stolen.

The district court is ultimately responsible for ensuring that the jury is fully and correctly instructed.[5] If requested, the district court must provide instructions on the significance of findings that are relative to the defense's theory of the case.[6] "'If [a] proposed [defense] instruction is poorly drafted, a district court has an affirmative obligation to cooperate with the defendant to correct the proposed instruction or to incorporate the substance of such an instruction in one drafted by the court.'"[7] The defense is not entitled to instructions that are "misleading, inaccurate, or duplicitous."[8]

Here, even assuming that the district court erred by not giving Hannah's proffered instructions, "we are convinced beyond a reasonable doubt that the jury's verdict was not attributable to the error and that the error was harmless under the facts and circumstances of this case."[9]

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[5]Crawford v. State, 121 Nev. 744, 754-55, 121 P.3d 582, 589 (2005).

[6]Carter v. State, 121 Nev. 759, 767, 121 P.3d 592, 597 (2005); Crawford, 121 Nev. at 753-54, 121 P.3d at 588-89.

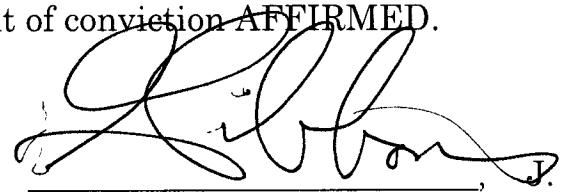
[7]Carter, 121 Nev. at 765, 121 P.3d at 596 (quoting Honeycutt v. State, 118 Nev. 660, 677-78, 56 P.3d 362, 373-74 (2002) (Rose, J., dissenting)).

[8]Carter, 121 Nev. at 765, 121 P.3d at 596; Crawford, 121 Nev. at 754, 121 P.3d at 589.

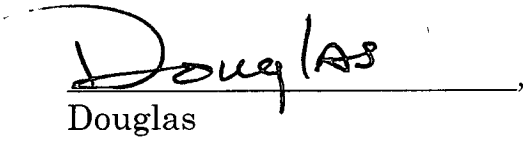
[9]Crawford, 121 Nev. at 756, 121 P.3d at 590.

Having considered Hannah's contentions and concluded that they lack merit, we

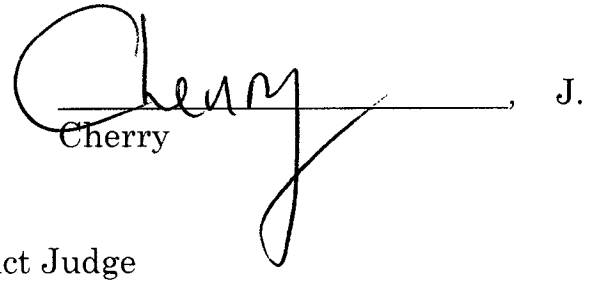
ORDER the judgment of conviction AFFIRMED.



_____, J.
Gibbons



_____, J.
Douglas



_____, J.
Cherry

cc: Hon. Valorie Vega, 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