

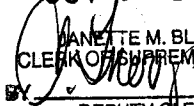
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTELL MOTEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49215

FILED

OCT 22 2007

WANNETTE 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 each of robbery with the use of a deadly weapon and conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Valorie Vega, Judge. The district court sentenced appellant Martell Moten to serve prison terms of 24 to 120 months for the robbery count, an equal and consecutive term for the deadly weapon enhancement, and a concurrent prison term of 12 to 48 months for the conspiracy count.

Moten's sole contention is that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, Moten contends that the victim's identification of him was suspect because her original police statement did not contain a physical description of the robbers.

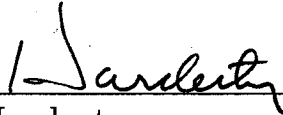
Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹ In particular, we note that the victim testified that two assailants approached her in the parking lot, Moten pointed a gun in

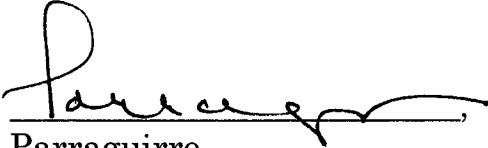
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

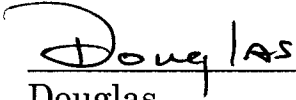
her face, ordered her to give him her purse, and fled with the purse in a vehicle. The victim's description of the vehicle matched the description of a vehicle owned by Moten's brother. We conclude that the jury could reasonably infer from this evidence that Moten conspired to rob and did, in fact, rob the victim.² 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.³

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²See NRS 200.380; NRS 193.165; NRS 199.480.

³See 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).

cc: Hon. Valorie Vega, District Judge
Paul E. Wommer
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk