

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLOTTE LOUISE BOUSTAN,  
A/K/A CHARLOTTE LOUISE SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52878

**FILED**

**DEC 03 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of one count of grand larceny and one count of conspiracy to commit larceny. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge. The district court sentenced appellant Charlotte Louise Boustan to serve 18 to 48 months in prison for the grand larceny count and 12 months in the county jail for the conspiracy count.

Boustan contends that insufficient evidence was adduced at trial to sustain her convictions. Boustan specifically claims that (1) the State did not prove she stole, took, or carried away any items with the intent to permanently deprive the owner because she never left the store; (2) "she did not exit the store, so the grand larceny was incomplete; it was merely an attempt;" (3) the State did not prove that any one item was worth more than \$250, therefore she cannot be guilty of grand larceny; and (4) she could not have conspired to commit larceny before entering the store because the jury found that she did not enter the store with the intent to steal and acquitted her of the burglary count and no evidence suggests she conspired to commit larceny while she was in the store.

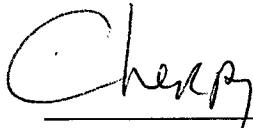
Our review of the record reveals sufficient evidence to establish Murray's guilt beyond a reasonable doubt as determined by a rational trier of fact. See McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). In particular, we note that the jury heard testimony that Boustan, her three-year-old daughter, and her boyfriend, Todd Chewakin, travelled one and one-half hours by bus to a 24-hour department store. Upon entering the store, Boustan and Chewakin separated and shopped in different departments. A loss prevention officer monitoring Boustan's activities through the store's surveillance system observed: (1) Boustan pick up two items, remove the packaging from one item, and place it into the packaging of the second item; (2) Boustan and Chewakin meet, Chewakin take something out of his shopping basket and place it into Boustan's shopping cart, and the couple separate again; and (3) Boustan attempt to bring her shopping cart into the bathroom, transfer merchandise from the shopping cart to the baby stroller, and then take the baby stroller into the bathroom. The police contacted Boustan after she had passed all of the store's cash registers and had joined Chewakin in the gaming area. The police found 48 pieces of merchandise worth a total of \$496.34 in a duffle bag that was stashed underneath the baby stroller. Boustan testified that she stole the merchandise and concealed it in the duffle bag. Similarly, the police found stolen merchandise in a duffle bag that was in Chewakin's possession. Additionally, the jury was shown a videotape from the store's surveillance system that depicted Boustan's activities inside the store.


We conclude that a rational juror could infer from this evidence that Boustan conspired with her codefendant to commit larceny and committed grand larceny. See NRS 199.480; NRS 205.220(1); NRS


205.251; Greene v. State, 113 Nev. 157, 173, 931 P.2d 54, 64 (1997) (holding that inconsistent verdicts are permissible), overruled on other grounds by Byford v. State, 116 Nev. 215, 235, 994 P.2d 700, 713 (2000); Thomas v. State, 112 Nev. 114, 1127, 1143, 967 P.2.d 1111, 1122 (1998) (defining conspiracy and noting that it “is usually established by inference from the parties’ conduct”). 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. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

Having considered Boustan’s contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Saitta

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

cc: Eighth Judicial District Court Dept. 8, District Judge  
Bailus Cook & Kelesis  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk