

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY DARYL JONES A/K/A LESTER
LAVELLE JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52935

FILED

AUG 10 2009

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The district court sentenced appellant Bobby Daryl Jones to serve a prison term of 48-120 months.

Jones contends that the evidence presented at trial was insufficient to support the jury's finding that he was guilty beyond a reasonable doubt. Jones essentially admits to committing larceny; however, he claims that whether he "entered the building with the intent to steal is an issue that will never be known." See NRS 205.060(1) (stating, in part, that burglary consists of entry into a building "with the intent to commit grand or petit larceny"). We disagree with Jones' contention.


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. In particular, we note that William Urquia, a security officer at the Grand Canyon Experience, witnessed Jones enter the retail store wearing a hat and dark sunglasses and proceed to the jewelry counter on

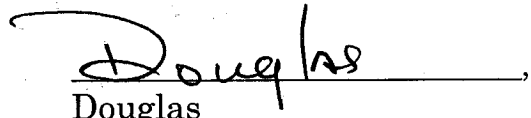
the second floor. Urquia testified at trial that Jones was acting suspiciously, frequently peering over his sunglasses and looking over his shoulder, apparently monitoring the situation. Several security officers witnessed Jones taking jewelry and concealing them on his person. When Jones was ultimately detained by security, six pieces of jewelry were discovered either on his person or in a black plastic bag in his possession. Urquia estimated the worth of the jewelry to be in excess of \$500. Jones, however, had approximately \$50 in his possession and no other means of paying for the items. Officer Frank Laythorpe of the Las Vegas Metropolitan Police Department testified that after he read Jones his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966), Jones confessed to the crime and admitted “that he had come there to steal.”

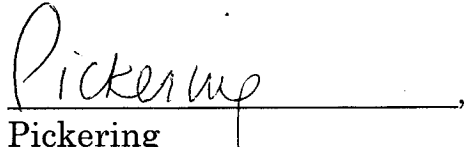
Based on all of the above, we conclude that the jury could reasonably infer from the evidence presented that Jones was guilty of burglary beyond a reasonable doubt. It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury’s verdict will not be disturbed on appeal where, as here, sufficient evidence supports the verdict. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Moreover, we note that circumstantial evidence alone may sustain a conviction. See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003); see also Grant v. State, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001) (holding that “[i]ntent need not be proven by direct evidence but can be inferred from conduct and circumstantial evidence”). Therefore, we conclude that the State presented sufficient evidence to support the jury’s verdict.

Having considered Jones' contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Chief Judge, Eighth Judicial District
Hon. Joseph T. Bonaventure, Senior 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