IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD WILLIAM RANGEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53377

FILED

AUG 10 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a jury verdict, of one count of burglary. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge. The district court adjudicated appellant Ronald William Rangel a habitual criminal and sentenced him to serve a prison term of 10 to 25 years.[1]

Rangel contends that insufficient evidence was adduced at trial to support his conviction for burglary. Rangel claims that the State failed to prove beyond a reasonable doubt that he entered the victim's car with the intent to commit larceny. Rangel argues that "[a] person can

[1]We note that the judgment of conviction contains a clerical error. It incorrectly states that Rangel was sentenced to a prison term of 10 to 25 months instead of 10 to 25 years. Following this court's issuance of its remittitur, the district court shall enter a corrected judgment of conviction. See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that the district court does not regain jurisdiction following an appeal until the supreme court issues its remittitur).

enter a vehicle for many different reasons. If the intent to steal the stereo arose after the entry, the crime of burglary did not occur."

"[I]t is the function of the jury, not the appellate court, to weigh the evidence and pass upon the credibility of the witness." Walker v. State, 91 Nev. 724, 726, 542 P.2d 438, 439 (1975). Accordingly, the standard of review for a challenge to the sufficiency of the evidence is "'whether, after viewing the evidence in the light most favorable to the prosecution, any rational [juror] could have found the essential elements of the crime beyond a reasonable doubt.'" McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)). Circumstantial evidence is enough to support a conviction. Lisle v. State, 113 Nev. 679, 691-92, 941 P.2d 459, 467 (1997), holding limited on other grounds by Middleton v. State, 114 Nev. 1089, 1117 n.9, 968 P.2d 296, 315 n.9 (1998).

Here, the jury heard testimony that the victim and her daughter had gone shopping. They first went to the 99 Cent Store, where the victim made several purchases that were placed in two 99 Cent Store bags. The victim placed the bags in back of her car, and then she and her daughter traveled to Wal-Mart to do some more shopping. After shopping in Wal-Mart, they returned to the car. Rangel was inside of the car and they asked him what he was doing. Rangel said that it was his car. When Rangel exited the car, the victim called 911 to report the incident and then inspected her car. She noticed that the car stereo had been taken, the contents of the 99 Cent Store bags had been dumped out, the windshield wiper control switch was broken, and the plastic steering wheel cover was damaged near the ignition switch. After inspecting the car, the victim followed Rangel into the Lowe's Home Improvement Store where she told

the employees at the desk area to call the police. When the police arrived, the victim identified Rangel as the person who been inside of her car. Rangel was arrested, he was informed of his Miranda rights, and he told the police that they "might find something of interest by the Christmas trees." The police recovered the car stereo and two 99 Cent Store bags by the Christmas trees inside the Lowe's Home Improvement Store.

We conclude from this testimony that a rational juror could infer that Rangel intended to commit larceny when he entered the victim's car. See Sharma v. State, 118 Nev. 648, 659, 56 P.3d 868, 874 (2002) (observing that "intent can rarely be proven by direct evidence of a defendant's state of mind, but instead is inferred by the jury from the individualized, external circumstances of the crime, which are capable of proof at trial"); see also NRS 193.200; NRS 205.060(1). The jury's verdict will not be disturbed where, as here, it is supported by substantial evidence. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

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

ORDER the judgment of conviction AFFIRMED.

_____, J.
Parraguirre

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. Kathy A. Hardcastle, 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