

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES EDWARD DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55036

FILED

JUN 09 2010

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of possession of a stolen vehicle with a value of \$2,500 or more. Seventh Judicial District Court, Eureka County; Steve L. Dobrescu, Judge.

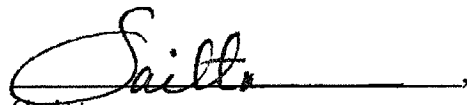
Appellant Charles Edward Davis contends that insufficient evidence was adduced to support the jury's verdict because the State failed to prove that he "knew or should have known" that the vehicle was stolen. This claim lacks merit because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. ___, ___, 192 P.3d 721, 727 (2008).

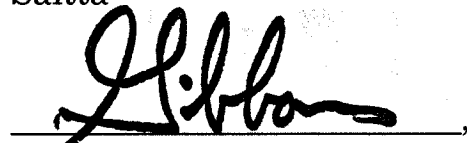
Trial testimony indicated that approximately six weeks after the rental car had been reported stolen in Indiana, Davis was pulled over for speeding on SR 306 in Eureka County. Davis could not produce a driver's license and told the officer that he did not know if the vehicle had registration. In fact, the vehicle contained no registration or insurance documentation. Davis claimed the vehicle was loaned to him, however, he gave inconsistent statements regarding its ownership. After being in

custody for three days, Davis provided investigating officers with two cell phone numbers, both allegedly belonging to the owner of the vehicle. An officer testified "that the numbers couldn't be completed as dialed" and despite further investigation he was unable to locate the individual. At trial, Davis claimed to have the cell phone number of the girlfriend of the individual who gave him the vehicle; an investigating officer, however, testified that Davis never provided him with this information. A loss control administrator for Enterprise Rent-A-Car testified that Davis was not part of the rental agreement and that he "did not have any authority . . . to have possession of that vehicle." A stipulation entered by the parties indicated that the 2008 Pontiac G6 sedan had a value of \$2,500 or more.

It is for the jury to determine the weight and credibility to give conflicting testimony, and a jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. See NRS 205.273(1), (4); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992); Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003) (circumstantial evidence alone may sustain a conviction). Therefore, we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.


Gibbons, J.

CHERRY, J., dissenting:

I dissent.

Cherry, J.
Cherry

cc: Hon. Steve L. Dobrescu, District Judge
State Public Defender/Carson City
State Public Defender/Ely
Attorney General/Carson City
Eureka County District Attorney
Eureka County Clerk