

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAOLA CARREON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55554

**FILED**

DEC 10 2010

ORDER OF AFFIRMANCE

TRADIE 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 conspiracy to commit burglary and/or grand larceny auto, burglary, and attempted grand larceny auto. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

First, appellant Paola Carreon contends that insufficient evidence was adduced to support the jury's verdict. We disagree 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. 807, 816, 192 P.3d 721, 727 (2008). VIPER detectives set up a bait vehicle with an automated video and audio recording system which notifies them and activates when an individual gains illegal entry to the vehicle. Detective Jeffrey Toschi testified that Carreon admitted to reaching into the vehicle through the rear passenger door. The video recording shows two individuals in the front seat and the hands of a third individual, identified by Detective Toschi as Carreon, in the back. Detective Toschi also identified Carreon's voice discussing driving the vehicle to another location and selling it for cash. Keys to the

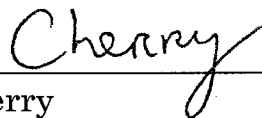
vehicle were found in Carreon's residence and other items stolen from the vehicle were found in a coconspirator's possession. It is for the jury to determine the weight and credibility to give conflicting testimony, and a jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. See NRS 193.330(1); NRS 199.480(3); NRS 205.060(1); NRS 205.228(1); 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).

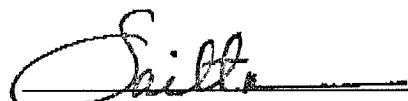
Second, Carreon contends that the district court erred by denying her motion to suppress inculpatory statements she made to Detective Toschi. We review a district court's factual findings supporting its ruling on whether a custodial interrogation occurred for clear error, but review de novo its ultimate determination regarding the voluntariness of the statement and whether Miranda warnings were required. See Casteel v. State, 122 Nev. 356, 361, 131 P.3d 1, 4 (2006); Miranda v. Arizona, 384 U.S. 436, 444-45 (1966). Here, the district court conducted a hearing, considered the totality of the circumstances—including witness testimony, the site of the interrogation, whether the objective indicia of arrest were present, and the length and form of the questioning—and found that Carreon was not subject to a custodial interrogation and her statements were voluntary. See Rosky v. State, 121 Nev. 184, 191-92, 111 P.3d 690, 695 (2005); State v. Taylor, 114 Nev. 1071, 1082 n.1, 968 P.2d 315, 323 n.1 (1998). We agree and conclude that the district court did not err by denying Carreon's motion to suppress.

Third, Carreon contends that the district court erred by excluding extrinsic evidence pertaining to the investigation of a patrol officer who allegedly harassed her, which she wished to use to impeach Detective Toschi's credibility. Carreon claims that the harassment

subsequent to her arrest proves that the inculpatory statements she previously made to Detective Toschi were coerced and involuntary. “We review a district court’s decision to admit or exclude evidence for an abuse of discretion.” McLellan v. State, 124 Nev. 263, 267, 182 P.3d 106, 109 (2008). The district court found that the investigation into the patrol officer’s alleged harassment was irrelevant and inadmissible and precluded Carreon from questioning Detective Toschi about the matter. See NRS 48.015; NRS 48.025(2). We agree and conclude that the district court did not abuse its discretion by excluding the evidence.

Having concluded that Carreon’s contentions lack merit, we  
ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Stefany Miley, District Judge  
Christopher R. Oram  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk