IN THE SUPREME COURT OF THE STATE OF NEVADA

MAURICE JILES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56133

FILED

DEC 10 2010

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 burglary and grand larceny. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Maurice Jiles contends that there was insufficient evidence to support his convictions because the State failed to prove that he had the requisite intent to commit burglary and did not sufficiently establish the value of the property taken from the store. We review the evidence in the light most favorable to the prosecution and determine whether 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). Here, the jury heard testimony that Jiles was in a home improvement store, placed several handfuls of circuit breakers into a shopping cart, and then transferred the circuit breakers from the cart to his duffle bag. Jiles exited the store without paying for the circuit breakers, the store alarm sounded, and he ran to a get-away-car. The police stopped the car, apprehended Jiles, and recovered the circuit breakers. Jiles had $76.50 on his person and told the police that he did not have enough money and needed the circuit breakers for a job. A store employee ran the recovered circuit breakers through a cash register and

determined that they had an actual value of $985.45. We conclude that a rational juror could reasonably infer from this evidence that Jiles entered the store to commit grand larceny and stole property worth $250 or more. See NRS 193.200; NRS 205.060(1); NRS 205.220(1); 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"). 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. Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

Jiles also contends that the district court imposed a cruel and unusual sentence because it is disproportionate to his offense, his prior convictions were more than 10 years old, he had not committed any violent offenses during that period, and his crimes have become less serious and less violent as he has aged. The district court adjudicated Jiles a habitual criminal and sentenced him to concurrent prison terms of 8 to 20 years. Because Jiles has not argued that the applicable sentencing statute is unconstitutional, the sentences are within the parameters of the applicable statute, and we are not convinced that the sentences are so grossly disproportionate to the offenses as to shock the conscience, we conclude the sentences do not violate the constitutional proscriptions against cruel and unusual punishment. See NRS 207.010(1)(a); Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994); see also Arajakis v. State, 108

Nev. 976, 983, 843 P.2d 800, 805 (1992) (providing that habitual criminal adjudication "makes no special allowance for non-violent crimes or for the remoteness of convictions").

Having considered Jiles' contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Attorney General/Carson City
Bush & Levy, LLC
Clark County District Attorney
Eighth District Court Clerk