IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE DEAUNDRA JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57194

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
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 (category B felony). Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant George Deaundra Johnson contends that insufficient evidence supports his conviction for category B felony grand larceny because the State failed to prove that the fair market value of the stolen property met the $2,500 threshold required for this crime.[1] See Bryant v. State, 114 Nev. 626, 629, 959 P.2d 964, 966 (1998) (the proper measure for damages sustained as a result of theft is the fair market value of the stolen items). We review the evidence in the light most favorable to

[1]At the time relevant to this appeal, NRS 205.220(1)(a) provided that a person commits grand larceny if the value of the stolen property was $250 or more, see 1997 Nev. Stat., ch. 150, § 12, at 341, and NRS 205.222(3) provided that if the value of the stolen property "is $2,500 or more, the person who committed the grand larceny is guilty of a category B felony," see 1997 Nev. Stat., ch. 150, § 7, at 339. The Legislature has since increased these dollar amounts. See 2011 Nev. Stat., ch. 41, §§ 13-14, at 163-64.

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).

The jury heard testimony pertaining to the purchase price of a 32-inch flat screen TV ($1,200 to $1,500), a VCR/DVD player (about $200), two impact guns and an air drill ($500 to $600), and a Macintosh notebook computer ($2,600) that were stolen. The jury also heard testimony that two purses containing a total of $500 in cash, a piggy bank containing $170 in cash, and a diamond ring worth $1,000 were stolen.[2] Johnson did not object to the admission of this testimony.

We conclude that a rational juror could infer from this testimony that the value of the stolen property was $2,500 or more. See 1997 Nev. Stat., ch. 150, § 7, at 339 (NRS 205.222(3)); NRS 205.251(1); Stephans v. State, 127 Nev. ___, ___, 262 P.3d 727, 734 (2011) ("In assessing a sufficiency of the evidence challenge, a reviewing court must consider all of the evidence admitted by the trial court, regardless whether that evidence was admitted erroneously." (internal quotation marks and emphasis omitted)). 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).

Johnson's remaining contentions are without merit. Johnson did not object to the testimony regarding the value of the diamond ring and notebook computer nor did he object to the jury instruction on

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[2]The jury heard testimony about other stolen property, but the value of that property was not disclosed.

assessing property value and we conclude that he has not demonstrated plain error. See NRS 178.602; Mclellan v. State, 124 Nev. 263, 269, 182 P.3d 106, 110 (2008). The district court dismissed the home invasion count at sentencing; therefore, Johnson's double jeopardy and redundancy claims are moot and we decline to consider them. See NCAA v. University of Nevada, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981). And because Johnson failed to demonstrate any error, he was not deprived of a fair trial due to cumulative error. See Pascua v. State, 122 Nev. 1001, 1008 n.16, 145 P.3d 1031, 1035 n.16 (2006).

Having considered Johnson's contentions and concluded that he is not entitled to relief, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk