

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURA L. QUILICI, N/K/A LAURA L.
ABOUD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57847

FILED

OCT 05 2011

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 embezzlement. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

First, appellant Laura L. Quilici contends that insufficient evidence was adduced to support the jury's verdict. We disagree and conclude that 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). In particular, trial testimony indicated that Quilici, while working as a cashier at a Wal-Mart, on at least 81 occasions over a six month period, purposely failed to charge customers the full price of the items purchased. The aggregate value of the items not properly charged was more than \$10,000. 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 205.300(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);

see also Batin v. State, 118 Nev. 61, 65-66, 38 P.3d 880, 883-84 (2002) (discussing embezzlement and the element of entrustment).


Second, Quilici contends that the district court erred by failing to sua sponte declare a mistrial or provide the jury venire with a limiting instruction after a potential venireperson, during voir dire, allegedly referred to her uncharged misconduct in front of the entire panel. We disagree. The venireperson only indicated, when asked by the district court, that he “possibly” might not be able to be fair and impartial as a juror due to his acquaintance with Quilici. Therefore, Quilici’s claim is belied by the record and we conclude that the district court did not commit reversible plain error. See NRS 178.602 (“Plain errors or defects affecting substantial rights may be noticed although they were not brought to the attention of the court.”).

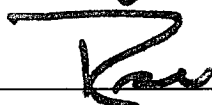
Third, Quilici contends that the district court abused its discretion by granting the State’s request to remove potential juror “Ms. L.” for cause. “Great deference is afforded to the district court in ruling on challenges for cause primarily because such decisions involve factual determinations and the district court may observe a prospective juror’s manner.” Browning v. State, 124 Nev. 517, 530, 188 P.3d 60, 69-70 (2008). Here, the potential juror stated that her knowledge of Quilici and acquaintance with her family would make it difficult for her to remain fair and impartial. Therefore, we conclude that the district court did not abuse its discretion by granting the State’s request. See NRS 175.036(1); Nelson v. State, 123 Nev. 534, 543-44, 170 P.3d 517, 524 (2007) (“The test for determining if a veniremember should be removed for cause is whether a veniremember’s views would prevent or substantially impair the


performance of his duties as a juror in accordance with his instructions and his oath.” (quotation marks omitted)).

Finally, Quilici contends that cumulative error during the jury selection process requires the reversal of her conviction. Because Quilici failed to demonstrate any error, we conclude that her contention lacks merit. See Pascua v. State, 122 Nev. 1001, 1008 n.16, 145 P.3d 1031, 1035 n.16 (2006). Accordingly, we

ORDER the judgment of conviction AFFIRMED.¹


_____, J.
Pickering


_____, Sr.J.
Rose


_____, Sr.J.
Shearing

cc: Hon. Michael Montero, District Judge
Richard F. Cornell
Humboldt County District Attorney
Attorney General/Carson City
Humboldt County Clerk

¹The Honorables Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.