

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SEXTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 59172

**FILED**

JUL 26 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of ten counts of theft. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

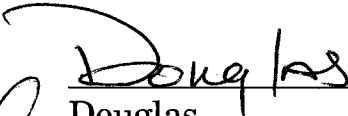
Appellant Steven Sexton contends that insufficient evidence was adduced to support the jury's verdict. We disagree because the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).


Trial testimony indicated that Sexton, in his capacity as sales manager for SelecTrucks in Las Vegas, over a 10-month period, ordered, received, and signed for hundreds of tires and a water body for trucks on the lot that were delivered but never mounted or fitted onto the trucks and, in large part, disappeared. Documentation showed that Sexton, without authorization, ordered more tires than necessary for the number of trucks sold and nearly half of the tires purchased did not match the size required for the trucks. Numerous trucks with invoices noting that new tires had been mounted, paid for by SelecTrucks, in fact, did not have new tires. SelecTrucks did not have the capability to mount new tires on the

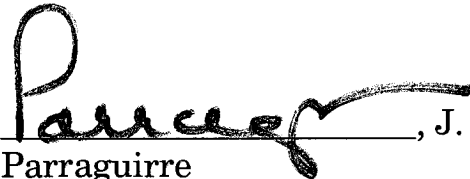
trucks yet the invoices for deliveries showed labor charges associated with the mounting of new tires on just a few occasions. Sexton initially offered no explanation for the missing tires, but later claimed, among other things, that he gave many of them away to customers. Testimony from company officials indicated that Sexton was not authorized to give away tires. An operations manager for SelecTrucks at the time of Sexton's employment testified that the company lost more than \$200,000 due to his unauthorized conduct.

Circumstantial evidence alone may sustain a conviction. Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003); Grant v. State, 117 Nev. 427, 435, 24 P.3d 761, 766 (2001) ("Intent need not be proven by direct evidence but can be inferred from conduct and circumstantial evidence."). It is for the jury to determine the weight and credibility to give conflicting testimony, McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992), and a 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); see also NRS 205.0832(a)-(c). Therefore, we conclude that Sexton's contention is without merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Doug Smith, District Judge  
Patrick E. McDonald  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk