

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES EDWARD MCDONALD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60168

FILED

SEP 13 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 larceny from the person, age 60 years or older. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. Appellant Charles McDonald raises two arguments on appeal.

First, McDonald contends that the evidence presented at trial was insufficient to support the jury's finding of guilt because the victim did not identify him and another witness identified him by his build rather than his face. 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); see also Wilkins v. State, 96 Nev. 367, 374, 609 P.2d 309, 313 (1980).

The jury heard testimony that the victim, Deborah Lee, purchased a money order and placed it into a long pink wallet. Lee testified that later, while shopping, she was distracted by a tall black man who then removed the wallet from her purse and fled the scene. Irva Baldwin testified that McDonald approached him shortly after the robbery and offered him \$50 to cash a money order, the same order that Lee had purchased. The jury saw video footage from a security camera which showed a tall black man escaping the scene on foot with a pink wallet


visibly on his person. McDonald was identified by a witness as the person in the video footage based upon his build and stature.

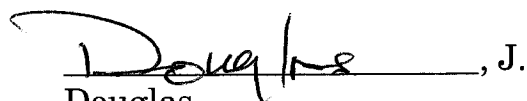
The jury could reasonably infer from the evidence presented that McDonald committed the larceny and approached Baldwin to cash the money order on his behalf. Although McDonald contends that his face was never identified, it is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. See Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Circumstantial evidence alone may sustain a conviction. See Wilkins, 96 Nev. at 374, 609 P.2d at 313. Because the jury made a reasonable determination, McDonald's first argument is without merit.

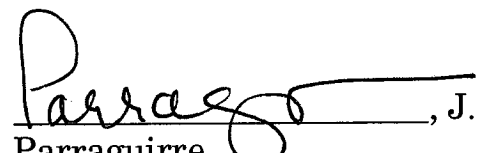
Second, McDonald contends that insufficient evidence and the erroneous admission of a demonstrative exhibit, considered cumulatively, deprived him of a fair trial. As stated, the evidence presented was sufficient to support a conviction of larceny. Further, McDonald fails to identify the challenged exhibit or explain its inadmissibility. As there are no errors to cumulate, McDonald's second argument is also without merit.

Having considered McDonald's claims and concluded that no relief is warranted, we

ORDER the judgment of conviction AFFIRMED.


Gibbons


Douglas, J.


Parraguirre, J.

cc: Hon. Michelle Leavitt, District Judge
Law Offices of John P. Parris
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk