

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE CRUZ-CORTEZ A/K/A
RIGOBERTO CRUZ,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60524

FILED

JUN 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

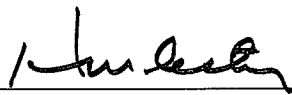
ORDER OF AFFIRMANCE

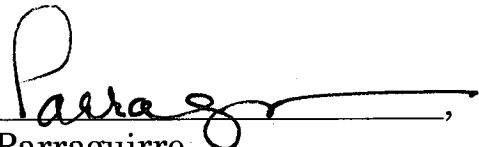
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of burglary, attempted grand larceny auto, and possession of burglary tools. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

Appellant Jose Cruz-Cortez contends that the State failed to produce sufficient evidence to support his conviction for attempted grand larceny auto. We review the evidence in the light most favorable to the prosecution and determine whether “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Mitchell v. State*, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008) (emphasis and internal quotation marks omitted). Here, the State presented evidence that Cruz-Cortez was caught by the owner sitting in the driver’s seat of a vehicle. The window had been broken, the alarm disabled, and the airbag was partially disassembled. He was in possession of several tools that were consistent with tools used to assist in the theft of automobiles. The vehicle was valued at \$6,235. We conclude that a rational trier of fact could reasonably infer from this evidence that Cruz-Cortez was attempting to steal the vehicle when he was caught inside it,

see NRS 193.330(1); NRS 205.228(1), (3), and that substantial evidence supports the verdict. See *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Although some evidence may have suggested that Cruz-Cortez had a different intent when he broke into the vehicle, it was for the jury to assess the weight and credibility of that evidence. See *Buchanan v. State*, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk