

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAUL TORRES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60703

FILED

JAN 16 2013

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of possession of a stolen vehicle. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


Appellant Raul Torres contends that insufficient evidence supported his conviction because the State failed to prove that he had possession of the car. 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).

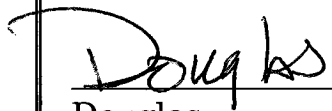
Officer Jeffrey Chamberlin testified that he pulled up behind a Toyota Solara at a stop light. He did a routine search of the Toyota's license plate number and discovered that it had been reported stolen. Officer Chamberlin reported this information and called for backup. Officer Shalley Dowdy turned on his patrol lights and siren and attempted to initiate a traffic stop. But the driver ignored the officers and sped off. A short time later, an officer located the abandoned Toyota. The police officers requested the police helicopter to assist them in locating the occupants of the Toyota. The police helicopter located Torres lying on the


roof of a nearby home. Officer Justin McKinney arrested Torres and found the keys to the Toyota next to him on the roof. Torres was questioned and admitted that two cell phones that were found in the Toyota belonged to him. And police found Torres' fingerprints on the driver's side window. The victims testified that they did not know Torres and did not give him permission to take their car.

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 205.273(1)(b). Therefore, we conclude that Torres' contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

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