

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR ODIAGA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60842

FILED

FEB 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Mulder
DEPUTY CLERK

ORDER OF AFFIRMANCE

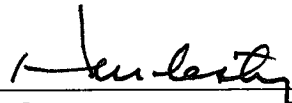
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of seven counts of theft. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

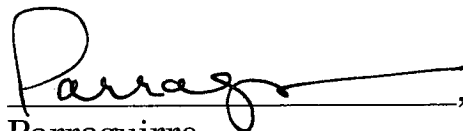
Appellant argues that insufficient evidence was adduced at trial to support two of his convictions for theft. Specifically, he claims that because the property taken during the thefts belonged to someone other than the victim whom he took it from, the State failed to prove that he obtained property "of another person by a material misrepresentation with intent to deprive that person of the property or services." NRS 205.0832(1)(c) (emphasis added). Appellant does not challenge whether there was sufficient evidence that he took the money or that he had the intent to take the money from the victim.

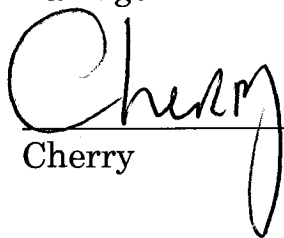
At trial, the State presented evidence that the victim was authorized to receive money on behalf of the Flamingo Banquet Hall. Some of the money taken from the victim by appellant was the money she received on behalf of the Flamingo. Appellant argues that the money belonged to the Flamingo and not the victim, and the State failed to prove that he had the intent to deprive the Flamingo of the money.

We conclude that the evidence supporting this conviction, 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. NRS 205.0832(1)(c); Jackson v. Virginia, 443 U.S. 307, 319 (1979); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992). Because the victim was an authorized person to receive money on behalf of the Flamingo, the property was properly in the victim's possession. Since the victim had the right to possess the money, and appellant intended to deprive her of the money by material misrepresentation, there was sufficient evidence to convict him of both counts of theft. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Michelle Leavitt, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk