

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK LEONARD CREWS,

No. 37030

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

FEB 09 2001

JANEITE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. Clark*  
CHIEF 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. The district court sentenced appellant to serve 12-36 months in prison.

Appellant's sole contention is that the State adduced insufficient evidence to support the jury's verdict. In particular, appellant argues that the State failed to demonstrate that he possessed the vehicle under circumstances in which he knew or should have known that the vehicle was stolen. We disagree.

When reviewing a claim of insufficient evidence, the relevant inquiry is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have reasonably found the essential elements of the crime beyond a reasonable doubt."<sup>1</sup> Furthermore, "it is the jury's function, not that of the court, to assess the weight of the evidence and determine the credibility of witnesses."<sup>2</sup>

<sup>1</sup>Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998) (quoting Jackson v. Virginia, 443 U.S. 307, 319 (1979)) (emphasis in original omitted).

<sup>2</sup>McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).


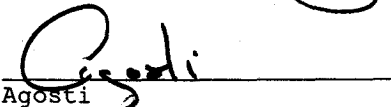
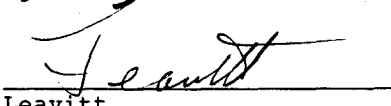
could not or would not give the officers any information about his friend, including his name, address or description.

The officers noticed that the keys were in the ignition. They checked the vehicle identification number and determined that the vehicle had been stolen from Nevada Truck Equipment. While waiting two hours with appellant for a police vehicle to transport appellant to jail, they did not hear or see any other individual in the Coors Distribution Center.

The jury could reasonably infer from the evidence presented that appellant had actual or constructive possession of the vehicle and that he knew or had reason to believe that the vehicle had been stolen. It is for the jury to determine the weight and credibility to give the testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>5</sup>

Having considered appellant's contention and concluded that it is without merit, we affirm the judgment of conviction.

It is so ORDERED.

  
Shearing J.  
  
Agosti J.  
  
Leavitt J.

cc: Hon. Jack Lehman, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk

<sup>5</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).