

IN THE SUPREME COURT OF THE STATE OF NEVADA

VINCENT H. PINDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39316

FILED

JUL 11 2002

JANEITE M. BLOOM
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 two counts of escape. The district court sentenced appellant to two concurrent prison terms of 18 to 96 months.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt as to the second count. Our review of the record on appeal, however, reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact.¹

In particular, we note that evidence was adduced that while appellant was handcuffed in a police car, he managed to free one of his hands from the handcuffs and attempted to get out of the car.

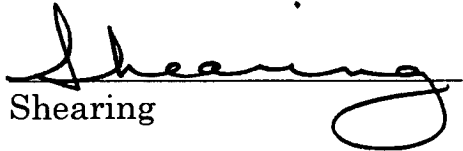
The jury could reasonably infer from the evidence presented that appellant attempted to escape.² It is for the jury to determine the


¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).


²Appellant was convicted of a violation of NRS 212.090, which provides that an individual who is being held on a felony charge and "escapes or attempts to escape from . . . custody" is guilty of a category B felony. (emphasis added).

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.³ Accordingly, we

ORDER the judgment of conviction AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Dan L. Papez, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk

³See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).