

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE LOGAN, JR. A/K/A WILLIE  
LOGAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39572

**FILED**

JUL 25 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary and one count of grand larceny of a firearm. The district court sentenced appellant Willie Logan to serve a prison term of 24 to 60 months for the burglary count and a concurrent prison term of 12 to 48 months for the grand larceny count. The district court then suspended execution of the sentences and placed Logan on probation for a period not to exceed 3 years.

Logan's sole contention is that the State adduced insufficient evidence to support the jury's verdict. Specifically, Logan contends that his burglary and grand larceny convictions should be reversed because the State presented no evidence that Logan actually entered the victim's home or possessed the stolen items. 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 found the essential elements of the crime beyond a reasonable doubt."<sup>1</sup> Furthermore, "it is

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<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).

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> "Circumstantial evidence alone may sustain a conviction."<sup>3</sup>

Our review of the record on appeal reveals sufficient evidence to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. In particular, we note that the State presented testimony that Logan's palm print was discovered on the interior wall of the victim's bathroom and Logan's fingerprints were found on some of the stolen items removed from the victim's home, which were discovered in two bags outside the victim's bathroom window. Additionally, Logan was identified by a neighbor, who testified that she called 9-1-1 after observing Logan suspiciously crouched over two bags outside the victim's bathroom window. Finally, a police officer, who responded to the 9-1-1 call, testified he apprehended Logan less than a mile from the victim's residence, and the victim's firearm, which was missing from inside the house, was discovered in a planter box in the path that Logan had traveled. We conclude that the jury could reasonably infer from the evidence presented that Logan entered the victim's residence with the intent to commit a larceny and possessed the stolen items, including the firearm, with the intent to steal them from the victim.<sup>4</sup> It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict

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

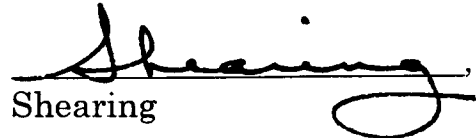
<sup>3</sup>Id. at 61, 825 P.2d at 576.

<sup>4</sup>See NRS 205.060; NRS 205.226.

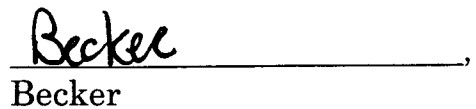
will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>5</sup>

Having considered Logan's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

cc: Hon. Joseph T. Bonaventure, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Clerk

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