

IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON LARUE SIMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40523

FILED

AUG 20 2003

ORDER AFFIRMING AND REMANDING TO
CORRECT JUDGMENT OF CONVICTION

JANETTE M. GLOOM
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 robbery. The district court sentenced appellant to serve a prison term of 72 to 180 months.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. 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 the victim and two eyewitnesses testified that appellant threw the victim to the ground and began beating the victim. The victim testified that appellant removed money from his pockets while the victim was on the ground. The two eyewitnesses tackled appellant and tried to detain him. When appellant broke free, one of the eyewitnesses followed him and kept him in sight until the police arrived.

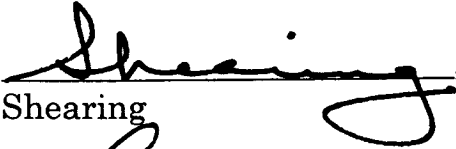
The jury could reasonably infer from the evidence presented that appellant beat the victim and took money from him. It is for the jury


¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

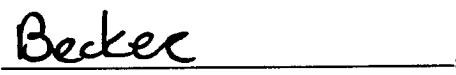
to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.²

Our review of the judgment of conviction, however, reveals a clerical error. The judgment of conviction states that appellant was convicted pursuant to a guilty plea when, in fact, he was convicted pursuant to a jury verdict. Therefore, we conclude that this matter must be remanded to the district court for the limited purpose of entering a corrected judgment of conviction. Accordingly, we

ORDER the judgment of conviction AFFIRMED AND REMAND this matter to the district court for the limited purpose of correcting the judgment of conviction as directed above.


Shearing, J.


Leavitt, J.


Becker, J.

cc: Hon. Kathy A. Hardcastle, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).