

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41595

FILED

FEB 25 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of trafficking in a controlled substance. The district court sentenced appellant to a prison term of 24 to 72 months, and ordered appellant to pay a fine in the amount of \$2,000.00.

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 appellant was a passenger in a van that was the subject of a traffic stop. Police officers discovered rock cocaine in appellant's pants pocket. During an inventory search of the van, police discovered a package containing marijuana and 26 grams of rock cocaine. After his arrest, appellant admitted to police officers that the drugs belonged to him. Additionally, the driver of the van testified that after the van was stopped, appellant told the driver he was "dirty" and asked the driver to hide the drugs in one of the driver's bodily orifices.

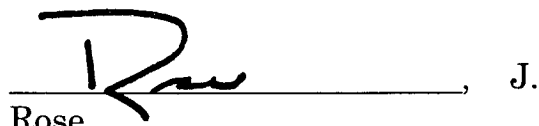
¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

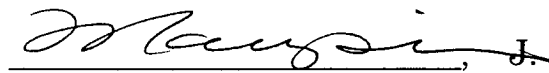
The jury could reasonably infer from the evidence presented that appellant was in actual or constructive possession of the drugs found in the van. It is for the jury to determine the weight and credibility to give conflicting testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.²

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. Joseph T. Bonaventure, District Judge
Donald J. Green
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).