

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIME Y. MAESHIRO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41752

FILED

FEB 12 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of grand larceny auto. The district court sentenced appellant to a prison term of 48 to 120 months.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, appellant argues that the State failed to prove that appellant intended permanently to deprive the lawful owner of his vehicle. 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.<sup>1</sup>

In particular, we note that on the afternoon of January 26, 2002, appellant walked up to a used car dealership, got into a vehicle that was running and drove away. At 3:30 the following morning, a police

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<sup>1</sup>See 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).

officer saw the vehicle parked in an empty parking lot. When he approached the vehicle, appellant was asleep inside. Because appellant had no identification and no paperwork for the vehicle, the officer asked him to step out of the vehicle. A patdown revealed that appellant had the key to a different car in his pocket. Appellant initially told the officer that he was the owner of the vehicle in which he was found, that it had been stolen the previous week and he had just recovered the vehicle, which is why none of the paperwork was in it.

After he was arrested, appellant told the officer that he had taken the key found in his pocket from a car dealership, and he subsequently observed another vehicle running with the key in the ignition, so he took that vehicle. Appellant told the officer that he took the vehicle because he was homeless and needed a place to sleep.

The jury could reasonably infer from the evidence presented that appellant intended permanently to deprive the lawful owner of the vehicle. Although appellant claimed he only wanted a place to sleep, we note that he drove the vehicle 10-15 miles away from the dealership, he had the key to another car in his pocket, and he initially claimed to be the owner of the vehicle. 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.<sup>2</sup>

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

ORDER the judgment of conviction AFFIRMED.

Becker, J.  
Becker

Agosti, J.  
Agosti

Gibbons, J.  
Gibbons

cc: Hon. Michael L. Douglas, District Judge  
Clark County Public Defender  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>See 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).