

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVERETTE G. COOKSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42461

FILED

APR 08 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 larceny from the person, 65 years of age or older, and one count of attempted larceny from the person. The district court sentenced appellant to a prison term of 12 to 48 months for larceny, with an equal and consecutive term for the elder enhancement, and to a concurrent prison term of 12 to 48 months for attempted larceny.

Appellant contends that the evidence presented at trial was insufficient to support the jury's finding of guilt. Specifically, appellant argues that the surveillance tapes admitted into evidence were an insufficient basis on which to convict him. 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 in addition to the surveillance tapes: (1) the larceny victim testified regarding the pickpocket incident at the Fremont Hotel; (2) a Fremont Hotel security officer identified the victim and appellant from the surveillance tapes and described the

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).

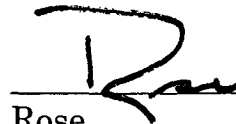
incident; (3) two security officers from the Paris Hotel testified regarding the attempted larceny incident in an elevator, based on in-person observation of appellant and later review of the surveillance tapes; and (4) when appellant was later questioned by a detective regarding the Fremont Hotel incident, appellant made incriminating statements.


The jury could reasonably infer from the evidence presented that appellant committed larceny by picking the pocket of the elderly victim at the Fremont Hotel, and that he attempted to pick the purse of an elderly woman in an elevator at the Paris Hotel. 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

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).

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