

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWIN MAURICE DORSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42539

FILED

JUN 14 2004

ORDER OF AFFIRMANCE

JANETTE M. GLENN,
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 robbery. The district court sentenced appellant Edwin Maurice Dorsey to serve a prison term of 72 to 180 months.

Dorsey contends that there was insufficient evidence presented at trial to support the jury's finding that he committed robbery. Specifically, Dorsey argues that there was no evidence presented that he used force in taking the victim's purse because the victim: (1) was not hurt; (2) claims she was pushed but did not fall off her chair; and (3) chased Dorsey after he fled with her purse. 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, the victim testified at trial that Dorsey approached her while she was playing a slot machine at the Las Vegas Hilton, pushed her right shoulder, and grabbed her purse. As Dorsey fled with the victim's purse, her player tracking card, which was in her purse

¹See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

but attached to the slot machine with a flexible cord, ejected from the machine and hit the victim in the shoulder. Additionally, the victim's sister, who was seated near her playing slots, testified that she observed Dorsey push her sister, grab her sister's purse and flee. Finally, Las Vegas Metropolitan Police Officer Steven Thaxton testified that, immediately after the incident occurred, both the victim and her sister told him that a man had pushed the victim, took her purse, and fled the casino.² Although Dorsey argues that he did not push the victim and that the testimony about whether she was actually pushed was inconsistent, the jury could reasonably infer from the evidence presented that Dorsey used force by pushing the victim in the course of taking her purse.³ 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.⁴


²The victim and her sister pursued Dorsey outside the casino and alerted a hotel security officer on a bike, who apprehended Dorsey with the victim's purse in the Las Vegas Hilton parking lot.

³See NRS 200.380(1) ("[t]he degree of force used is immaterial if it is used to compel acquiescence to the taking of or escaping with the property").

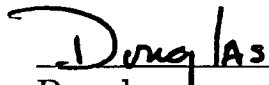
⁴See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981); see also McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992).

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

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