

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN HENRY MANDALIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47708

**FILED**

**MAR 02 2007**

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 each of burglary, assault with a deadly weapon, and attempted grand larceny. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge. The district court adjudicated appellant Steven Henry Mandalis as a habitual criminal and sentenced him to serve three concurrent prison terms of life with parole eligibility in 10 years.

Mandalis' sole contention is that the State presented insufficient evidence in support of the convictions. Specifically, Mandalis argues that there was no physical evidence linking him to the crimes, and the eyewitness who identified him as the perpetrator was not credible given that the witness was "a multiple felon who lived in his car in the parking lot outside the commercial building where the alleged crime took place." Our review of the record on appeal 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 the eyewitness, Si La, testified at trial that he observed Mandalis exiting a bar, which was closed, with the bar owner's big screen television and speakers. La told Mandalis to stop and informed him that the police had been called. Mandalis pulled out a knife and repeatedly threatened to kill La. Mandalis then fled the scene. Several days later, La observed Mandalis sitting outside the same bar from which he had attempted to take the electronics. La told the owner of the bar to call police. Mandalis attempted to flee the scene, but was apprehended by police. A Las Vegas police officer testified that he located Mandalis hiding in a nearby backyard behind some bushes. Mandalis informed the officer that he was looking for a place to take a nap.

At trial, Mandalis noted the lack of physical evidence in the case and argued that La's testimony was not credible. Despite Mandalis' argument, the jury could reasonably infer from the evidence presented that Mandalis entered the bar with the intent to steal, attempted to steal the bar's electronic equipment, and also placed La in reasonable apprehension of immediate bodily harm with the use of a knife.<sup>2</sup> It is for the jury to determine the weight and credibility to give conflicting

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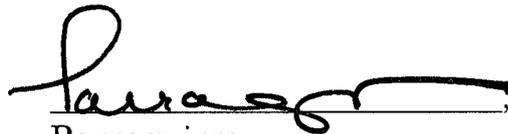
<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980); see also Origel-Candido v. State, 114 Nev. 378, 381, 956 P.2d 1378, 1380 (1998).

<sup>2</sup>See NRS 205.060(1); NRS 200.471(1)(a); NRS 205.220(1)(a); NRS 193.330.

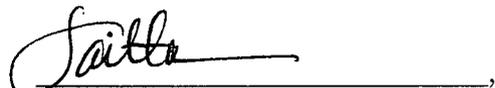
testimony, and the jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict.<sup>3</sup>

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

ORDER the judgment of conviction AFFIRMED.

  
Parraguirre J.

  
Hardesty J.

  
Saitta J.

cc: Hon. Joseph T. Bonaventure, District Judge  
Anthony M. Goldstein  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>3</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).