

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAFAEL V. VEGA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39660

FILED

JAN 16 2003

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 trafficking in a controlled substance. The district court sentenced appellant to a term of 36 to 90 months in the Nevada State Prison.

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.<sup>1</sup>

In particular, we note that after police officers observed appellant apparently selling cocaine to another individual, a search of appellant's apartment revealed two baggies containing 6.54 grams of rock cocaine hidden in a cubbyhole along with \$2,800.00. Appellant conceded that he lived in the apartment and the only other occupant was a 2-year-old boy.

The jury could reasonably infer from the evidence presented that appellant was in actual or constructive possession of a trafficking amount of cocaine. It is for the jury to determine the weight and

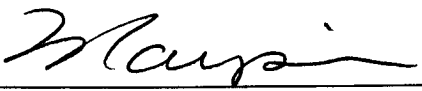
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<sup>1</sup>See Wilkins v. State, 96 Nev. 367, 609 P.2d 309 (1980).

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 concluded that appellant's contention lacks merit, we  
ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Christiansen Law Offices  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Clerk

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<sup>2</sup>See Bolden v. State, 97 Nev. 71, 624 P.2d 20 (1981).