

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JANUARY SESSION, 2000

FILED

February 10, 2000

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

vs.

ANTHONY VEASLEY,

Appellant.

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No. W1999-1977-CCA-B3-CD
SHELBY COUNTY
Hon. Joseph B. Dailey, Judge
(Aggravated Robbery)

For the Appellant:

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OPINION FILED: _____

AFFIRMED

David G. Hayes, Judge

OPINION

The appellant, Anthony Veasley, was found guilty by a Shelby County jury of aggravated robbery. The trial court sentenced the appellant, as a range II offender, to nineteen years confinement in the Department of Correction.¹ In his sole issue on appeal, the appellant contends that the State failed to present sufficient evidence to support a conviction for aggravated robbery beyond a reasonable doubt.

After review, we affirm.

Background

On October 16, 1996, Tasha Keller began working as a retail clerk at Tammy's Adult Bookstore on Getwell Avenue in Memphis. A week later the appellant was hired as a janitor at the same business. During the course of their employment, the appellant and Keller spoke on numerous occasions. In the beginning of November, however, the appellant was terminated from his position by the store manager, Gloria Savage.

On November 23, 1996, Ms. Keller arrived at work at 8:00 am. She was the only employee assigned to work that shift. Around 9:55 a.m., while Ms. Keller was doing a "tape count," two people entered the store. One of the individuals was a regular customer recognized by Ms. Keller; the other individual "had a hood on his head," partially concealing his identity. While continuing with her work, she heard the swinging door near the cash register open at which time she turned around and saw the appellant "with a gun standing right there." The appellant instructed Ms. Keller to give him the store's surveillance tape and open the safe. She complied with his request to turn over the tape but informed the appellant that she could not open the safe. The appellant pushed Ms. Keller to the side with the gun and "snatched the safe open." "He snatched all the money that was up in there." "He

¹The trial court further ordered this sentence to be served consecutive to outstanding sentences in Mississippi and Tennessee for which he was on parole at the time of the present offense.

snatched all the money that was in the cash register – even the coin bag,” taking approximately \$2400 in cash. He then left the store. Ms. Keller activated the store’s silent security system, called her manager, and then called the police.

Memphis Police Sergeant William Merritt was assigned to investigate the robbery of Tammy’s Adult Bookstore. On December 2, 1996, he interviewed Ms. Keller during which time she provided a statement of the account and identified the appellant from a photographic lineup. The appellant was arrested for this offense on January 16, 1997.

Following his arrest, the appellant telephoned Ms. Keller at work. Beatrice Collins and Tasha Jurnigen were with Ms. Keller when she received the call. The appellant told Ms. Keller that “he was calling from downtown, and that he don’t want me to identify him on the picture. . .at the preliminary hearing.. .” because he was already on parole. “He said to call his queen named Natasha and tell her how much money I want, and that she would give it to me not to identify him.” The appellant also informed Ms. Keller that the robbery was not meant for her but was intended for Gloria Savage, “[the] white bitch.” Ms. Keller reported this incident to Sergeant Merritt immediately after receiving the phone call.

Analysis

In the appellant’s only issue, he challenges the sufficiency of the convicting evidence. Specifically, he argues that his conviction cannot be based upon the uncorroborated testimony of Tasha Keller, a witness who “the evidence suggests may be responsible for the theft of money from this store.”

The appellant’s challenge is one of witness credibility. In essence, the appellant asks this court to trespass upon the jury’s duty to evaluate the credibility of the witnesses and reweigh the evidence introduced at the trial by reassessing the

credibility of the victim, Tasha Keller. It is not the prerogative of this court to revisit questions of witness credibility on appeal, that function being within the province of the trier of fact. See generally State v. Carey, 914 S.W.2d 93, 95 (Tenn. Crim. App. 1995); State v. Boling, 840 S.W.2d 944, 947 (Tenn. Crim. App. 1992). We decline the appellant's invitation to overturn his conviction by making a choice different from that of the jury.

Additionally, we conclude that the evidence is more than sufficient to support the jury's verdict. The victim identified the appellant as the person who entered the bookstore and, armed with a weapon, took money from the store's safe and cash register. This proof is sufficient to establish the elements of aggravated robbery. See Jackson v. Virginia, 443 U.S. 307, 317, 99 S.Ct. 2781, 2789 (1979); Tenn. R. App. P. 13(e); Tenn. Code Ann. § 39-13-401; § 39-13-402(a)(1) (1991). Moreover, the law is well established that the testimony of a victim identifying the perpetrator is sufficient in and of itself to support a conviction. State v. Strickland, 885 S.W.2d 85, 87-88 (Tenn. Crim. App. 1993).

For these reasons, the judgment of conviction entered by the trial court is affirmed.

DAVID G. HAYES, Judge

CONCUR:

JOE G. RILEY, Judge

JOHN EVERETT WILLIAMS, Judge