

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JANUARY SESSION, 2000

FILED
March 3, 2000
Cecil Crowson, Jr.
Appellate Clerk

STATE OF TENNESSEE,)
)
 Appellee,)
)
 VS.)
)
 WAYFORD DEMONBREUN)
 JR.,)
)
 Appellant.)

NO. M1998-00239-Appellate Clerk

DAVIDSON COUNTY

NO. 94-B-1131 BELOW

HON. THOMAS SHRIVER,
JUDGE

(Second Degree Murder and
Aggravated Assault)

FOR THE APPELLANT:

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ORDER FILED _____

AFFIRMED IN ACCORDANCE WITH RULE 20

DAVID H. WELLES, JUDGE

ORDER

The Defendant, Wayford Demonbreun, Jr., appeals as of right from his convictions on a jury verdict of second degree murder and aggravated assault. He challenges only the sufficiency of the convicting evidence. We affirm the judgment of the trial court.

The only issue the Defendant argues concerning the sufficiency of the evidence is the identification of him as the perpetrator. Specifically, he challenges the eye-witness testimony of two witnesses: Rhonda Williamson and Shemeka Williamson. Rhonda Williamson testified that she was a passenger in the murder victim's vehicle when a dark-colored low-rider truck pulled up next to the vehicle at a traffic light. She looked up and saw the driver of that low-rider truck, who was talking on a cellular telephone. When the light turned green, the victim's vehicle turned one way, and the truck turned another. Soon thereafter, the same low-rider truck pulled up beside the victim's vehicle with its lights off. Brief words were exchanged between the victim and the person in the truck, and Ms. Williamson again saw the driver of the truck. The driver of the truck then leaned over to the passenger's side of the truck and shot multiple times into the victim's vehicle, killing the victim. The driver of the truck drove forward, and then he stopped and shot towards Ms. Williamson, who had gotten out of the car. Ms. Williamson positively identified the Defendant as the driver of the low-rider truck and the shooter of the victim.

Rhonda Williamson's daughter, Shemeka Williamson, testified that she was waiting for her mother on her front porch when she saw her mother and the victim drive up to her apartment. She also saw the low-rider truck drive up, and she saw shots fired from the truck. She testified that she has known the Defendant for years because they went to school together, that she was familiar

with the low-rider truck and knew it belonged to the Defendant, and that she saw the Defendant in the truck shooting into the victim's vehicle.

Although the Defendant attacked the credibility of this eye-witness testimony during cross-examination, the jury obviously resolved any conflicts in the testimony in favor of the State. We do the same and conclude that the evidence presented is sufficient to support the finding by the trier of fact of guilt beyond a reasonable doubt. We further conclude that no error of law requiring a reversal of the judgment is apparent on the record.

Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee. Because it appears to the Court that the Appellant is indigent, costs will be paid by the State of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

THOMAS T. WOODALL, JUDGE

L. T. LAFFERTY, SENIOR JUDGE