

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE**

**AT JACKSON**

**JUNE 1999 SESSION**

**FILED**

**December 13, 1999**

**Geoff Crowson, Jr.  
Appellate Court Clerk**

<b>STATE OF TENNESSEE,</b>	_____ *	No. W1998-00455-CCA-MR3-CD
_____ <b>Appellee</b>	*	SHELBY COUNTY
<b>V.</b>	*	Hon. James C. Beasley, Jr., Judge
<b>BRYANT K. LEWIS,</b>	*	(Aggravated Robbery)
_____ <b>Appellant.</b>	*	

For Appellant

For Appellee

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OPINION FILED:

AFFIRMED - RULE 20

NORMA MCGEE OGLE, JUDGE

## OPINION

The appellant, Bryant K. Lewis, appeals his conviction by a jury in the Shelby County Criminal Court on January 6, 1998, of aggravated robbery. The trial court imposed a sentence of twelve years incarceration in the Tennessee Department of Correction. On appeal, the appellant challenges the sufficiency of the evidence supporting the jury's verdict.

In Tennessee, appellate courts accord considerable weight to the verdict of a jury in a criminal trial. Accordingly, on appeal, the appellant carries the burden of establishing that no "reasonable trier of fact" could have found the essential elements of the charged offense beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789 (1979); Tenn. R. App. P. 13(e). In other words, the State is entitled to the strongest legitimate view of the evidence and all reasonable inferences which may be drawn therefrom. State v. Williams, 657 S.W.2d 405, 410 (Tenn. 1983). Questions concerning the credibility of witnesses and the weight and value to be given the evidence, as well as all factual issues raised by the evidence, are resolved by the trier of fact, and not the appellate courts. State v. Pruett, 788 S.W.2d 559, 561 (Tenn. 1990).

In this case, the jury convicted the appellant of aggravated robbery as set forth in Tenn. Code. Ann. § 39-13-402(a)(1) (1997) and Tenn. Code. Ann. § 39-13-401(a) (1997). These statutes define aggravated robbery as the intentional or knowing theft of property from the person of another by violence or putting the victim in fear, accomplished with a deadly weapon. Id. At the appellant's trial, Johnny Jackson testified that, upon returning home one evening from a Kentucky Fried Chicken restaurant, he was confronted by four men, who assaulted him and stole his clothing. Only two of the men wore masks. Mr. Jackson recognized one of the unmasked assailants as the appellant. The appellant was holding a .38 caliber pistol.

According to Mr. Jackson, he was able to see the appellant clearly, because

there was a large security light shining in the location of the robbery. Additionally and more significantly, Mr. Jackson had known the appellant for approximately four years prior to the robbery. In the past, he had occasionally driven the appellant to his girlfriend's home, in order that the appellant could visit his child. Moreover, Mr. Jackson's girlfriend and his niece witnessed the robbery and positively identified the appellant at trial as one of the assailants. They similarly testified that they recognized the appellant at the time of the robbery due to their prior acquaintance with the appellant.

In defense, the appellant presented the testimony of his mother and his girlfriend. Both witnesses testified that, at the time of the robbery, the appellant was at home watching television. Additionally, one of the appellant's co-defendants, Cameron Winselle, testified on behalf of the appellant that he had pled guilty to the robbery in question and that the appellant had not participated in the robbery.

We believe that the testimony presented at trial created classic jury issues concerning the credibility of the witnesses and the weight and value of their testimony. The jury resolved these issues in favor of the State. After full consideration of the record, the briefs, and the law governing the issue presented on appeal, we are of the opinion that the evidence is sufficient to support the jury's resolution and that no precedential value would be derived from the rendering of a full opinion. Accordingly, we affirm the judgment of the trial court pursuant to Ct. of Crim. App. Rule 20.

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Norma McGee Ogle, Judge

CONCUR:

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David H. Welles, Judge

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Thomas T. Woodall, Judge