

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1998 SESSION

FILED
March 3, 1999
Cecil W. Crowson
Appellate Court Clerk

STATE OF TENNESSEE,)
)
Appellee,)
)
)
v.)
)
WALTER G. ALLISON,)
)
)
Appellant.)

No. 01C01-9711-CC-00532
Humphreys County
Honorable Allen W. Wallace, Judge
(Aggravated burglary, theft of property over
ten thousand dollars)

For the Appellant:

Shipp R. Weems
District Public Defender
and
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For the Appellee:

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and
George C. Sexton
Assistant District Attorney General
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Waverly, TN 37185

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton
Judge

OPINION

_____The defendant, Walter G. Allison, appeals as of right from jury convictions in the Humphreys County Circuit Court for aggravated burglary and theft of property over ten thousand dollars, Class C felonies. The defendant was sentenced for each conviction as a Range II, multiple offender to ten years confinement to be served concurrently in the custody of the Department of Correction. He was also fined ten thousand dollars for each conviction and ordered to pay fourteen thousand dollars in restitution on the aggravated burglary conviction. He argues that the evidence is insufficient to support his convictions. We disagree.

Our standard of review when the sufficiency of the evidence is questioned on appeal is “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979). This means that we do not reweigh the evidence but presume that the jury has resolved all conflicts in the testimony and drawn all reasonable inferences from the evidence in favor of the state. See State v. Sheffield, 676 S.W.2d 542, 547 (Tenn. 1984); State v. Cabbage, 571 S.W.2d 832, 835 (Tenn. 1978).

In the light most favorable to the state, the proof at trial established that the defendant was arrested on unrelated charges two days after the victims’ home was burglarized. He was in possession of a Scottish Rite Masonic ring, a Boilermaker watch, credit cards, a Sam’s Club photo-identification card, a denim jacket and a gun, all belonging to the victims. Furthermore, the evidence showed that the defendant admitted to the sheriff that he “hit the house, loaded up the stuff, [and] went back to Nashville” and that he committed the crimes because he needed money to pay fines.

The victims reported that the value of their stolen property was fourteen thousand dollars.

After full consideration of the record, the briefs and the law governing the issue presented, we are of the opinion that the evidence is sufficient to support the defendant's convictions for aggravated burglary and theft of property over ten thousand dollars and that no precedential value would be derived from the rendering of a full opinion. Therefore we conclude that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim. App. R.

Joseph M. Tipton, Judge

CONCUR:

John H. Peay, Judge

Norma McGee Ogle, Judge