

SUPREME COURT OF NEW HAMPSHIRE

State v. Looney

148 N.H. 656 (2002) · Decided December 16, 2002

SUMMARY

The New Hampshire Supreme Court affirmed William Looney’s conviction and enhanced sentence for first-degree assault on a law enforcement officer. The court held that the evidence, viewed in the light most favorable to the State, was sufficient for a rational jury to find that Looney subjectively knew the victim was a police officer.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Nadeau, J.; Brock, C.J.; Dalianis, J.
JURISDICTION	New Hampshire
DECIDED	December 16, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Looney appealed his jury conviction and enhanced sentence for first-degree assault on a law enforcement officer, challenging the sufficiency of the evidence that he knew the victim was a law enforcement officer.
STANDARD OF REVIEW	On a sufficiency-of-the-evidence appeal, the defendant must show that no rational fact-finder, viewing the evidence in the light most favorable to the State, could have found guilt beyond a reasonable doubt. When evidence of an element is circumstantial, it must exclude all rational conclusions except guilt, while being evaluated in the context of all the evidence.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	William Looney v. State

TOPICS

- criminal procedure
- standard of review
- appellate procedure
- burden of proof
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient for a rational jury to find beyond a reasonable doubt that Looney subjectively knew Officer Pitman was a law enforcement officer.
2. Whether the sentence enhancement based on Officer Pitman's status as a law enforcement officer was supported by sufficient evidence.

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Looney subjectively knew Officer Pitman was a police officer.

KEY QUOTATIONS

"In an appeal challenging the sufficiency of the evidence, the defendant must prove that no rational fact-finder at trial, viewing all of the evidence presented in the light most favorable to the State, could have found guilt beyond a reasonable doubt." (148 N.H. at 657-58)

"Taking these facts together in context, in the light most favorable to the State, this evidence reasonably excludes all rational conclusions except that the defendant knew Officer Pitman was a law enforcement officer." (148 N.H. at 658)

FACTUAL BACKGROUND

Officer Kenneth Pitman, a uniformed Manchester police officer assigned to security at a nightclub, twice prevented Looney from reentering the club and questioned him about his intoxication. Shortly afterward, Looney threw a piece of concrete through the club's front window and attempted to drive away while Pitman's arm was caught in the driver's-side door. Looney dragged Pitman through the parking lot and onto a highway, causing significant bodily injuries. Witnesses testified that Pitman was wearing a police uniform and badge, and the badge was scratched during the incident.

PROCEDURAL HISTORY

After a jury trial in the New Hampshire Superior Court, Looney was convicted of assault on a law enforcement officer. The trial court enhanced his sentence based on the victim's status as a law enforcement officer acting in the line of duty. The Supreme Court of New Hampshire affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Dugas, 147 N.H. 62, 66 (2001)
- State v. Reid, 134 N.H. 418, 422-23 (1991)

OPINION

NADEAU, J.

Nadeau, J. The defendant, William Looney, appeals his conviction and enhanced sentence for first-degree assault on a law enforcement officer, see RSA 631:1 (1996); RSA 651:6, I(h) (Supp. 2002), which were entered after jury trial in the Superior Court (Brennan, J.).

On appeal, the defendant challenges only the sufficiency of the State's evidence that he knew the victim was a law enforcement officer. We affirm. *657On December 31, 1999, Officer Kenneth Pitman of the Manchester Police Department was assigned to a uniformed security detail at Chantilly's nightclub in Manchester for its New Year's Eve celebration. Shortly before midnight, the defendant, who earlier had been removed from the club, attempted to re-enter but was prevented from doing so by Officer Pitman.

Officer Pitman escorted the defendant outside to a car parked in the club's parking lot, so the defendant could wait for his friends. The defendant, however, again tried to re-enter the club and Officer Pitman again had to prevent him from entering. During this interaction, Officer Pitman noticed the defendant smelled like alcohol and spoke with slurred speech.

The defendant, however, assured Officer Pitman he was not driving and Officer Pittman returned to the club. Just after midnight, the defendant returned from the parking lot and threw a large piece of curbside cement through the club's glass front window. Officer Pitman and several members of the club's security staff tried to stop the defendant from driving away.

Officer Pitman reached into the driver's side door of the defendant's car to take his keys out of the ignition and prevent him from driving away. Officer Pitman was unsuccessful, however, and the defendant drove away while the officer's arm was still caught inside the driver's side door.

As the defendant drove away, Officer Pitman hung from the car with his badge scratching against the driver's side window. The defendant dragged Officer Pitman through the Chantilly's parking lot, over a median, and into the Daniel Webster Highway, where Officer Pitman finally fell from the car and sustained significant bodily injuries.

After a brief car chase and struggle to get the defendant out of the car, members of the Manchester Police Department finally placed him under arrest and charged him with numerous offenses, one of which was assault on a law enforcement officer for his conduct involving Officer Pitman.

After trial, a jury convicted the defendant of assault on a law enforcement officer. The trial court enhanced the defendant's sentence on that charge due to Officer Pitman's status as a law enforcement officer acting in the line of duty. See RSA 651:6,1(h) (Supp. 2002). This appeal followed.

The only question presented on appeal is whether the evidence was sufficient to prove the defendant subjectively knew Officer Pitman was a law enforcement officer. We find that it was. In an appeal challenging the sufficiency of the evidence, the defendant must prove that no rational fact-finder at trial, viewing all of the evidence presented in the light most favorable to the State, could have found guilt beyond a reasonable doubt.

See *State v. Dugas*, 147 N.H. 62, 66 (2001). When the challenged evidence of an element of the charged offense is circumstantial, the evidence must exclude all rational conclusions except *658guilt. See *id.* Under this standard, however, we still consider the evidence in the light most favorable to the State, and we examine each evidentiary item in the context of all of the evidence, not in isolation.

See *id.* The defendant argues that the State never proved he subjectively knew Officer Pitman was a police officer as he drove from Chantilly's with the officer hanging from his car. The defendant argues Officer Pitman was merely one of many people attempting to physically stop his car, he was not wearing a badge and he never told the defendant he was a police officer.

The defendant asserts that on these facts, a jury rationally could have concluded the defendant thought Officer Pitman was merely a bouncer or security guard at the club. Because this is a rational conclusion other than guilt, the defendant says his enhanced sentence based upon Officer Pitman's law enforcement status must be vacated.

The State, however, presented testimony from several witnesses to show Officer Pitman wore both a police uniform and a badge during his detail at Chantilly's, and he had several interactions with the defendant. In fact, Officer Pitman even showed the jury the scratches on his badge caused by rubbing against the defendant's car window as the defendant dragged him across the parking lot.

Even if the defendant did not see the officer's badge as he dragged the officer around the parking lot, the defendant saw the uniform and badge previously when Officer Pitman twice prohibited him from re-entering the club and questioned him about his level of intoxication. Taking these facts together in context, in the light most favorable to the State, this evidence reasonably excludes all rational conclusions except that the defendant knew Officer Pitman was a law enforcement officer.

Accordingly, we find that a rational jury could have concluded the defendant subjectively knew Officer Pitman was a police officer from the circumstances surrounding their interactions. See *State v. Reid*, 134 N.H. 418, 422-23 (1991). Affirmed. Brock, C.J., and DALIANIS, J., concurred.