

COURT OF APPEAL OF LOUISIANA, SECOND CIRCUIT

State of Louisiana v. Cameron Williams

448 So. 2d 753 (2d Cir. 1984) · No. 15681-KA · Decided March 26, 1984

SUMMARY

The Louisiana Court of Appeal, Second Circuit, reviewed Cameron Williams's conviction for battery of a police officer under La. R.S. 14:34.2. The court held that the evidence was sufficient under the Jackson v. Virginia standard and affirmed the conviction and sentence.

CASE DETAILS

COURT	Court of Appeal of Louisiana, Second Circuit
WRITING FOR THE COURT	Norris, Judge; Jasper E. Jones; Norris; McClendon, Judge Pro Tem
JURISDICTION	Louisiana
DECIDED	March 26, 1984
DOCKET	15681-KA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction and sentence for battery of a police officer, challenging the sufficiency of the evidence.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the prosecution and asked whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. The appellate court would not reassess witness credibility or second-guess the trial court's factual determinations beyond the sufficiency review required by Jackson v. Virginia.
PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion; precedential within the applicable jurisdiction.
PARTIES	Cameron Williams v. State of Louisiana

TOPICS

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

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Williams's conviction for battery of a police officer under La. R.S. 14:34.2.
2. Whether the appellate court could overturn the conviction by reassessing the credibility of the witnesses.

HOLDINGS

1. The evidence was sufficient because a rational trier of fact, viewing it in the light most favorable to the prosecution, could find beyond a reasonable doubt that Williams committed a nonconsensual battery against a commissioned police officer whom he had reasonable grounds to believe was acting in the performance of his duty.
2. The appellate court may not reverse a conviction merely because the evidence was conflicting or because it might assess witness credibility differently from the trial court.

KEY QUOTATIONS

“Evidence is sufficient to support a conviction when any rational trier of fact, in viewing the evidence in the light most favorable to the prosecution, could have found the essential elements of the crime beyond a reasonable doubt.” (755)

“Because it is the role of the fact finder to weigh the respective credibilities of the witnesses, an appellate court will not second-guess the credibility determinations of the trier of fact beyond the sufficiency evaluations under the Jackson standard of review.” (755)

FACTUAL BACKGROUND

Officer John Oden, working as a security guard and police officer at an apartment complex, responded to a noise complaint and identified himself as a police officer. After Oden arrested Cameron Williams for trespassing and ordered him to leave, Williams threatened Oden and attempted to strike him in the face. Oden deflected the blow, and witnesses gave conflicting accounts about whether Williams struck Oden and whether Williams knew Oden was a police officer. The trial court credited Oden's testimony and convicted Williams of battery of a police officer.

PROCEDURAL HISTORY

After a trial, the trial court found Cameron Williams guilty of battery of a police officer and imposed sentence. Williams appealed to the Louisiana Court of Appeal, Second Circuit, arguing that the evidence was insufficient. The appellate court applied the Jackson v. Virginia standard and affirmed the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- State v. Richardson, 425 So. 2d 1228 (La. 1983)

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- State ex rel. Graffagnino v. King, 436 So. 2d 559 (La. 1983)

OPINION

PER CURIAM.

448 So. 2d 753 (1984) STATE of Louisiana, Appellee, v. Cameron WILLIAMS, Appellant. No. 15681-KA. Court of Appeal of Louisiana, Second Circuit. March 26, 1984. Jack E. Nossaman, Shreveport, for appellant. William J. Guste, Jr., Atty. Gen., Paul J. Carmouche, Dist. Atty., Lee Irvin and Catherine M. Estopinal, Asst. Dist. Attys., Shreveport, for appellee.

Before JASPER E. JONES and NORRIS, JJ., and McCLENDON, J. Pro Tem. NORRIS, Judge. Defendant, Cameron Williams appeals a conviction of battery of a police officer in violation of La.R.S. 14:34.2. The sole issue presented in this appeal is the sufficiency of the evidence presented to sustain the conviction.

After applying the appropriate standard of review, we find that the evidence is sufficient and affirm the conviction. La.R.S. 14:34.2 provides: A. Battery of a police officer is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a commissioned police officer acting in the performance of his duty.

B. Whoever commits the crime of battery of a police officer shall be fined not more than five hundred dollars and imprisoned not less than fifteen days nor more than six months without benefit of suspension of sentence. [Emphasis added.]

Thus, in order to convict a person of the crime of battery of a police officer it must be proven beyond a reasonable doubt that (1) a battery was committed (2) without the consent of the victim (3) when the person committing the battery has reasonable grounds to believe that the victim is a commissioned police officer acting in the performance of his duty.

The defense presented at trial was two-fold; that is, (1) that defendant denied hitting the complaining party and (2) that defendant did not know that the complainant was a police officer acting in the performance of his duty. *754 The testimony at trial as to the events resulting in this charge is conflicting. Officer John Oden of the Shreveport Police Department testified that on November 19, 1982, he was an officer who was also employed as a security guard at the Georgetown West Apartments in Shreveport.

At approximately 10:30 p.m., he received a call from one of the residents of the apartment complex complaining about loud noise emanating from Apartment 1502, the apartment directly below that of the complaining tenant. Oden then dressed and proceeded to the area where he met the complainant, Jesse McGrew. Oden was dressed in a jacket, blue jeans and a police gunbelt and was carrying a long flashlight.

After Oden identified himself to McGrew, he went to Apartment 1502 and knocked on the door. Receiving no response, Oden walked to a car parked in front of the building which was occupied and had its headlights on with its motor running. Oden pulled out his police identification which he showed to the occupants and identified himself to Charles Williams as a police officer who was the resident security guard.

Williams exited the vehicle appearing to have been drinking. Oden then informed him of the complaint after which Williams began cursing Oden. Oden then informed Williams that he would be evicted on Monday after which Oden proceeded to walk away from the vehicle followed by Williams who was yelling and threatening Oden. Oden arrested Williams for simple drunk after again advising him that he was a police officer.

Before Oden had an opportunity to place Williams in handcuffs, Cameron Williams, who is the defendant herein and the brother of Charles, approached Oden and attempted to dissuade Oden from arresting his brother. Oden responded that it was too late because Charles was already under arrest. Defendant then cursed Oden and threatened to do him bodily harm. Oden ordered defendant to leave three times.

When he refused, Oden informed defendant that he was a police officer and that defendant was under arrest for trespassing. After defendant was arrested, he again threatened Oden with bodily harm and made a move toward him with clasped hands.

In an attempt to protect himself, Oden responded by taking a swing at defendant with a flashlight which missed defendant and hit Charles. Oden was then approached in what he testified was a menacing manner by several companions of Charles and the defendant after which he drew his service revolver and told them to stay back. Thereafter, defendant attempted to strike Oden in the face with his right fist and Oden was able to deflect the blow with his right forearm.

[It is this particular incident that forms the basis of the conviction appealed from.] Jesse McGrew, the tenant who lodged the original complaint with Oden, testified that he called Oden because of the loud noise. When McGrew went downstairs from his apartment, he met Oden who showed his identification and asked about the disturbance. Oden then went to the apartment which had been vacated after which he approached the occupied car in the parking lot.

McGrew observed a portion of the dispute between Oden and the car's occupants before calling the police. Thereafter, from the window of an apartment over the area where the altercation was occurring, McGrew observed several persons involved in a dispute with Oden. McGrew stated that he knew that Oden was an officer when he saw him because he had on a police jacket which he believed had an emblem on the shoulder.

He also heard one of the participants in the fracas state that "you shouldn't hit that man, he's a police officer" about three times. The witnesses called on behalf of the defense consisted of the

defendant, his wife, his brother Charles, Charles' wife, Ronnie Williams [also a defendant] and Wanda Tatom, all of whom had attended Charles Williams' birthday party in Apartment 1502.

It was the testimony of each of these witnesses that Oden never identified himself as a police officer and that they did not know that he was an officer until other officers arrived on the scene to assist Oden. Additionally, each witness denied *755 having seen defendant strike Oden, and defendant denied striking Oden.

The thrust of their testimony was that after they left the birthday party they were conducting themselves in an acceptable manner when approached by a man whom they did not know after which three of them, including defendant, were arrested for unknown acts.

After hearing all of the testimony, the trial court found Oden a credible witness and the defendant guilty. In order for us to reverse this conviction, it would be necessary that we evaluate the credibility of the witnesses and overturn the trial court on its factual determination of guilt. This is not the function of this court on appeal. See *State v. Richardson*, 425 So.

2d 1228 (La.1983). Evidence is sufficient to support a conviction when any rational trier of fact, in viewing the evidence in the light most favorable to the prosecution, could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979). *State ex rel. Graffagnino v. King*, 436 So.

2d 559 (La.1983). Because it is the role of the fact finder to weigh the respective credibilities of the witnesses, an appellate court will not second-guess the credibility determinations of the trier of fact beyond the sufficiency evaluations under the Jackson standard of review. *State ex rel. Graffagnino v. King*, *supra*.

Accordingly, we conclude that any rational trier of fact, in viewing the evidence in the light most favorable to the prosecution, could have found the essential elements of the crime of battery of a police officer beyond a reasonable doubt.

Accordingly, defendant's conviction and sentence are affirmed. **CONVICTION AND SENTENCE AFFIRMED.**