

SUPREME COURT OF WYOMING

McFarlane v. State

17 P.3d 31 (Wyo. 2001) · No. No. 00-58 · Decided February 2, 2001

SUMMARY

The Wyoming Supreme Court reviewed James Charles McFarlane’s conviction for larceny and considered whether the evidence was sufficient to prove that he stole a snowmobile rather than merely possessed stolen property. The court held that the recency of McFarlane’s possession, along with other circumstantial evidence, supported a reasonable inference that he had taken the snowmobile. The judgment and sentence were affirmed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wyoming                                                                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Hill, Justice; Lehman, C.J.; Thomas, J.; Golden, J.; Hill, J.; Kite, J.                                                                                                                                                                                                                                           |
| JURISDICTION          | Wyoming                                                                                                                                                                                                                                                                                                           |
| DECIDED               | February 2, 2001                                                                                                                                                                                                                                                                                                  |
| DOCKET                | No. 00-58                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | McFarlane appealed his conviction for larceny, arguing that the evidence was insufficient because it supported, at most, a conviction for possession of stolen property.                                                                                                                                          |
| STANDARD OF REVIEW    | The court views the evidence and applicable inferences in the light most favorable to the State and determines whether a quorum of reasonable and rational individuals could have found the essential elements proven beyond a reasonable doubt. The court does not substitute its judgment for that of the jury. |
| PRECEDENTIAL VALUE    | Published Wyoming Supreme Court opinion; precedential                                                                                                                                                                                                                                                             |
| PARTIES               | James Charles McFarlane v. State of Wyoming                                                                                                                                                                                                                                                                       |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the evidence was sufficient to sustain McFarlane's conviction for larceny.
2. Whether possession of the snowmobile within a short period after its disappearance, together with the surrounding circumstances, permitted the jury to infer that McFarlane obtained it by taking rather than merely receiving or possessing stolen property.

## HOLDINGS

1. The evidence was sufficient for a reasonable jury to find beyond a reasonable doubt that McFarlane stole, took, and carried away the snowmobile with intent to deprive its owner or lawful possessor.
2. The recency requirement for inferring theft from unexplained possession of recently stolen property was satisfied because McFarlane possessed the snowmobile within days of its last known possession, and the circumstances remained sufficiently recent even if measured from the latest possible theft date.

## KEY QUOTATIONS

*“When reviewing an appeal based on sufficiency of the evidence, we view the evidence, and any applicable inferences based on the evidence, in a light most favorable to the State.”* (17 P.3d at 32)

*“A snowmobile cannot move by itself, and it has a vehicle identification number and a motor number that make it distinguishable from any other in the world.”* (17 P.3d at 34)

## FACTUAL BACKGROUND

A snowmobile consigned for sale was last seen on November 21, 1998, and was reported stolen on January 15, 1999. Police soon located portions of the snowmobile at McFarlane's home, where it had been dismantled, and found its motor in another snowmobile McFarlane had sold. McFarlane gave conflicting and uncorroborated accounts of finding or acquiring the snowmobile and its motor.

## PROCEDURAL HISTORY

A Wyoming district court convicted McFarlane of larceny involving a snowmobile valued at \$500 or more. McFarlane appealed directly to the Supreme Court of Wyoming, challenging the sufficiency of the evidence supporting the taking element of larceny. The Supreme Court affirmed the judgment and sentence.

## DISPOSITION

affirmed

## CASES CITED

- Nixon v. State, 994 P.2d 324, 329 (Wyo. 1999)
- Pool v. State, 2001 WY 8, 17 P.3d 1285 (Wyo. 2001)

- Mendicoa v. State, 771 P.2d 1240, 1244-46 (Wyo. 1989)
- State v. Ellestad, 88 S.D. 595, 225 N.W.2d 879, 882 (S.D. 1975)
- Rogers v. State, 185 Ga. App. 211, 363 S.E.2d 846, 848-49 (1987)
- People v. Panus, 76 Ill. 2d 263, 29 Ill. Dec. 113, 391 N.E.2d 376, 379 (Ill. 1979)
- Rushing v. State, 461 So. 2d 710, 712-13 (Miss. 1984)
- Marbles v. State, 874 S.W.2d 225, 227-28 (Tex. App.—Houston [1st Dist.] 1994)
- Montgomery v. Commonwealth, 221 Va. 188, 269 S.E.2d 352, 353 (Va. 1980)

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