

SUPREME COURT OF WYOMING

Willis v. State

46 P.3d 890 (Wyo. 2002) · No. No. 01-74 · Decided May 22, 2002

SUMMARY

The Supreme Court of Wyoming affirmed Franklin S. Willis's conviction for felony larceny by a bailee arising from his sale of three horses entrusted to his care. The court held that sufficient evidence supported the jury's findings regarding bailment, intent, and the value of the property. It also rejected challenges to hearsay impeachment, exclusion of a registration certificate, and cumulative error.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Wyoming                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Kite, Justice; Lehman, C.J.; Golden, J.; Hill, J.; Kite, J.; Voigt, J.                                                                                                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | Wyoming                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | May 22, 2002                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | No. 01-74                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Willis appealed his judgment and sentence following a jury conviction for felony larceny by a bailee, challenging the sufficiency of the evidence and several evidentiary rulings.                                                                                                                                                                                                                                                                                                  |
| STANDARD OF REVIEW    | For sufficiency of the evidence, the court viewed all evidence in the light most favorable to the State and asked whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. Evidentiary rulings were reviewed for abuse of discretion, including determinations concerning foundation, relevance, competency, materiality, and remoteness. Unpreserved evidentiary claims could not be reviewed where the record did not show a ruling. |
| PRECEDENTIAL VALUE    | Published Wyoming Supreme Court opinion; precedential.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| PARTIES               | Franklin S. Willis v. State of Wyoming                                                                                                                                                                                                                                                                                                                                                                                                                                              |

TOPICS

- criminal procedure
- evidence
- hearsay
- relevance
- appellate procedure

## PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

## QUESTIONS PRESENTED

1. Whether sufficient evidence supported Willis's conviction for felony larceny by a bailee, including evidence of a felonious taking, bailee status, intent to steal or deprive the owner, conversion, and property value of at least \$500.
2. Whether the trial court violated Willis's right to a fair trial by excluding evidence offered to support his claimed good-faith belief that Sondeno had given him ownership of the horses.
3. Whether the trial court erred by admitting testimony concerning a prior inconsistent statement to impeach the State's own witness.
4. Whether the trial court abused its discretion by excluding a Jockey Club ownership certificate as irrelevant.
5. Whether cumulative error deprived Willis of a fair trial.

## HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Willis was entrusted with the horses, intended to steal or deprive Sondeno of her ownership interest, converted the horses by selling them, and that the value converted was at least \$500.
2. The trial court did not abuse its discretion by allowing the State to impeach its own witness with extrinsic evidence of the witness's prior inconsistent statement after the witness had an opportunity to explain or deny the statement and the defense had an opportunity to cross-examine.
3. The trial court did not clearly abuse its discretion by excluding the 1989 ownership certificate because it did not concern the horses underlying the conviction and was too remote in time, intent, and legal effect to make the charged ownership transfer more probable.
4. The cumulative-error claim failed because the court found no error in the challenged rulings.

## KEY QUOTATIONS

*“Rather, the relevant question 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.”* (¶ 8)

*“The use of a prior inconsistent statement is not inadmissible hearsay because it is not offered for the truth of the matter asserted.”* (¶ 19)

## FACTUAL BACKGROUND

Willis received three mares from Kelly Sondeno under an arrangement that Sondeno characterized as a lease and that Willis characterized as a transfer of ownership. Willis later told Sondeno that the mares had died, but an investigation showed that he had sold them for slaughter at auction, listed himself as owner, and received

\$1,291.24. The State presented evidence that Willis was merely a bailee and that the horses sold were the horses charged in the prosecution.

## PROCEDURAL HISTORY

Willis was charged under Wyo. Stat. Ann. § 6-3-402(b) after selling three horses entrusted to his care. A jury convicted him on March 14, 2000, and the district court imposed five years of probation, \$9,500 in restitution, and a \$100 payment to the crime victims' compensation account. The Wyoming Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Hodges v. State, Hodges v. State, 904 P.2d 334, 339 (Wyo. 1995)
- Robinson v. State, 11 P.3d 361, 368 (Wyo. 2000), cert. denied, 532 U.S. 980 (2001)
- Broom v. State, 695 P.2d 640, 642 (Wyo. 1985)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Solis v. State, 981 P.2d 34, 36 (Wyo. 1999)
- Griswold v. State, 2001 WY 14, ¶ 7, 17 P.3d 728, ¶ 7 (Wyo. 2001)
- Skinner v. State, 2001 WY 102, ¶ 25, 33 P.3d 758, ¶ 25 (Wyo. 2001), cert. denied (2002)
- United States v. Winchenbach, 197 F.3d 548, 558 (1st Cir. 1999)
- McClellan v. State, 933 P.2d 461, 466 (Wyo. 1997)
- Pearson v. State, 12 P.3d 686, 692 (Wyo. 2000)

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