

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Lance E. Breckenridge

Breckenridge · No. No. 14-1199 · Decided August 31, 2015

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Lance E. Breckenridge’s convictions for conspiracy to commit a felony, breaking and entering, and grand larceny. The court held that the circumstantial evidence, viewed in the light most favorable to the State, was sufficient to support the convictions and that the circuit court properly denied the motions for judgment of acquittal. The court also declined to disturb the jury’s credibility determinations.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Margaret L. Workman; Justice Robin Jean Davis; Justice Brent D. Benjamin; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	August 31, 2015
DOCKET	No. 14-1199
DISPOSITION	affirmed
PROCEDURAL POSTURE	Breckenridge appealed his convictions and consecutive sentences from the Circuit Court of Fayette County, arguing that the State failed to present sufficient evidence and that the circuit court erred in denying his motions for judgment of acquittal.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence by considering all direct and circumstantial evidence in the light most favorable to the prosecution, crediting inferences and credibility determinations supporting the verdict, and asking whether the record contained evidence from which the jury could find guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published memorandum decision; the opinion states that it is issued under Rule 21 as a memorandum decision.
PARTIES	Lance E. Breckenridge v. State of West Virginia

TOPICS

criminal procedure

evidence

appellate procedure

standard of review

burden of proof

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Breckenridge's convictions for conspiracy to commit a felony, breaking and entering, and grand larceny.
2. Whether the State's reliance on circumstantial evidence, without direct evidence that Breckenridge opened the door or committed the crimes, required judgment of acquittal.

HOLDINGS

1. The evidence, viewed in the light most favorable to the State, was sufficient for the jury to find Breckenridge guilty beyond a reasonable doubt of conspiracy to commit a felony, breaking and entering, and grand larceny.
2. A conviction may be supported entirely by circumstantial evidence; the absence of direct evidence establishing particular facts does not render the evidence insufficient when the jury is properly instructed on proof beyond a reasonable doubt.

KEY QUOTATIONS

"A criminal defendant challenging the sufficiency of the evidence to support a conviction takes on a heavy burden. An appellate court must review all the evidence, whether direct or circumstantial, in the light most favorable to the prosecution and must credit all inferences and credibility assessments that the jury might have drawn in favor of the prosecution." (1)

"There should be only one standard of proof in criminal cases and that is proof beyond a reasonable doubt. Once a proper instruction is given advising the jury as to the State's heavy burden under the guilt beyond a reasonable doubt standard, an additional instruction on circumstantial evidence is no longer required even if the State relies wholly on circumstantial evidence." (2)

"A reviewing court cannot assess witness credibility through a record. The trier of fact is uniquely situated to make such determinations and this Court is not in a position to, and will not, second guess such determinations." (3)

FACTUAL BACKGROUND

Money and checks disappeared from a Kroger location in Smithers, West Virginia. Surveillance and witness evidence placed Breckenridge inside the store, aware of the drop box, and in an unauthorized back area near a locked rear door; he was later seen examining the door from outside. A masked person subsequently entered through the rear door and broke open the drop box with a hammer, and Breckenridge was found nearby

approximately twelve minutes after the crime while riding with his co-defendant. Breckenridge admitted most of the surrounding facts but denied opening the door and committing the offenses.

PROCEDURAL HISTORY

A grand jury indicted Breckenridge and co-defendant Kellie R. Cook for conspiracy to commit a felony, breaking and entering, and grand larceny. Their trials were severed, and following a jury trial in August 2014, Breckenridge was convicted on all counts. The circuit court denied his post-trial motion for a new trial, sentenced him to consecutive terms totaling three to twenty-five years, and the Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995)
- State v. Chic-Colbert, 231 W. Va. 749, 749 S.E.2d 642 (2013)
- Michael D.C. v. Wanda L.C., 201 W. Va. 381, 388, 497 S.E.2d 531, 538 (1997)

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