

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Lawrence Floyd Miller III v. State

No. 01-15-00261-CR · No. No. 01-15-00261-CR · Decided December 22, 2015

SUMMARY

The First Court of Appeals of Texas affirmed Lawrence Floyd Miller III's conviction for driving while intoxicated, third offense. The court held that the evidence was legally sufficient to establish Miller's identity as the driver and that the trial court properly admitted the identification evidence. It also concluded that the pretrial identification procedure was not impermissibly suggestive.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Per Curiam; Sherry Radack, Chief Justice; Justice Bland; Justice Huddle
JURISDICTION	Texas
DECIDED	December 22, 2015
DOCKET	No. 01-15-00261-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction for driving while intoxicated, third offense, after the trial court denied appellant's motion to suppress an in-court identification.
STANDARD OF REVIEW	For legal sufficiency, the court viewed all evidence in the light most favorable to the verdict and asked whether any rational factfinder could have found the essential elements beyond a reasonable doubt. Suppression-related factual determinations were generally reviewed for abuse of discretion, but whether the suggestiveness of a pretrial identification procedure influenced an in-court identification was reviewed de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lawrence Floyd Miller III v. The State of Texas

TOPICS

criminal procedure

evidence

suppression of evidence

appellate procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Miller's conviction for driving while intoxicated, third offense, particularly as to his identity as the vehicle's operator.
2. Whether the trial court erred by denying Miller's motion to suppress Robinette's in-court identification because the pretrial identification procedure was impermissibly suggestive and created a substantial likelihood of misidentification.

HOLDINGS

1. The evidence was legally sufficient to support the conviction because direct and circumstantial evidence permitted a rational jury to find that Miller operated the pickup truck.
2. The identification procedure was not impermissibly suggestive, so the trial court properly denied the motion to suppress the in-court identification.

KEY QUOTATIONS

"Circumstantial evidence is as probative as direct evidence in establishing guilt, and circumstantial evidence alone can be sufficient to establish guilt." (5)

"Determining whether an in-court identification of a defendant is inadmissible due to an impermissibly suggestive pre-trial identification procedure depends on (1) whether the pre-trial identification procedure was impermissibly suggestive and (2) whether the procedure gave rise to a very substantial likelihood of irreparable misidentification." (9)

FACTUAL BACKGROUND

After a gray pickup truck struck Aracely Macedo's vehicle in Freeport and fled, a witness, Bobby Robinette, saw a gray or silver truck missing a tire stop nearby. Robinette saw one person leave from the passenger side and run away, and saw another person leave from the driver's side and go to a nearby tree. Police arrived shortly afterward, arrested Miller near the truck, and Robinette identified him as the driver; Miller possessed the truck keys, and his blood-alcohol concentration was 0.286.

PROCEDURAL HISTORY

Miller was charged with driving while intoxicated, third offense. A jury found him guilty and assessed twenty years' confinement and a \$5,000 fine; the 412th District Court of Brazoria County entered judgment. The court of appeals rejected Miller's legal-sufficiency challenge and his challenge to the identification procedure, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979)
- Adames v. State, 353 S.W.3d 854, 859 (Tex. Crim. App. 2011)
- Bartlett v. State, 270 S.W.3d 147, 150 (Tex. Crim. App. 2008)
- Sharp v. State, 707 S.W.2d 611, 614 (Tex. Crim. App. 1986)
- Henderson v. State, 29 S.W.3d 616, 623 (Tex. App.—Houston [1st Dist.] 2000, pet. ref'd)
- Lancon v. State, 253 S.W.3d 699, 705 (Tex. Crim. App. 2008)
- Curry v. State, 30 S.W.3d 394, 406 (Tex. Crim. App. 2000)
- Clayton v. State, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007)
- Sorrells v. State, 343 S.W.3d 152, 155 (Tex. Crim. App. 2011)
- Hooper v. State, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)
- Earls v. State, 707 S.W.2d 82, 85 (Tex. Crim. App. 1986)
- Duenez v. State, 735 S.W.2d 563, 566 (Tex. App.—Houston [1st Dist.] 1987, pet. ref'd)
- Hernandez v. State, 13 S.W.3d 78, 80-81 (Tex. App.—Texarkana 2000, no pet.)
- Shepherd v. State, 273 S.W.3d 681, 684 (Tex. Crim. App. 2008)
- Gamboa v. State, 296 S.W.3d 574, 581-82 (Tex. Crim. App. 2009)
- Adams v. State, 397 S.W.3d 760, 764 (Tex. App.—Houston [14th Dist.] 2013, no pet.)
- Ibarra v. State, 11 S.W.3d 189, 195 (Tex. Crim. App. 1999)
- Santiago v. State, 425 S.W.3d 437, 440-41 (Tex. App.—Houston [1st Dist.] 2011, pet. ref'd)
- Mendoza v. State, 443 S.W.3d 360, 363-64 (Tex. App.—Houston [14th Dist.] 2014, no pet.)