

RENDERED: SEPTEMBER 30, 2011; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**

**Court of Appeals**

NO. 2010-CA-000028-MR

CLIFTON DUGGINS

APPELLANT

v.

APPEAL FROM GRAYSON CIRCUIT COURT  
HONORABLE BRUCE T. BUTLER, JUDGE  
ACTION NO. 09-CR-00062

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: CAPERTON AND DIXON, JUDGES; LAMBERT,<sup>1</sup> SENIOR JUDGE.

LAMBERT, SENIOR JUDGE: A jury found Clifton Duggins guilty of manufacturing methamphetamine and failure to register the transfer of a vehicle.

He was sentenced to serve ten years in prison. The only issue on appeal is his

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<sup>1</sup> Senior Judge Joseph E. Lambert sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and Kentucky Revised Statutes (KRS) 21.580.

claim of entitlement to a directed verdict of acquittal at the close of the evidence.

We disagree and affirm the judgment and conviction of the Grayson Circuit Court.

On June 2, 2009, sometime after 5:00 a.m. police officers arrived on the scene of what a Sheriff described as a “horrible” accident on the Western Kentucky Parkway in Grayson County. It appeared that a pickup truck dropped off the right shoulder of the road, ran up on an embankment, hit a tree, rolled over and eventually came to rest facing the opposite direction. No person, living or dead, was present.

The Sheriff testified that based on his experience, the debris and odor of the scene, the truck was a possible mobile drug lab for the production of methamphetamine. The license plate on the truck was expired and attempts to contact the person listed on the registration led to Duggins. Debris from the wreck was strewn over the area and even hanging in the trees. At the scene, the Sheriff noticed a black box with a foam cushion inside, skid marks on the side of the road, a ball cap, a propane tank, and the cab of the truck was “crushed in” and the windows were broken out. The truck appeared to be abandoned as there was no person present. There were no reports from the local hospital of treating anyone involved in such a wreck, and no 911 call was received regarding the accident.

In addition to other indicia of connection to Duggins, the Sheriff observed a receipt with Duggins’ name and address on it. Police officers found a

can of acetone near the tree line above the wreck. Nearby, police officers located a can of Drainout and naphtha along with a gallon can of Coleman fuel in a bag near the truck, two pill grinders about ten to fifteen yards behind the truck, a two-liter bottle containing ether just past the truck, a tub of ammonium nitrate under the bumper of the truck and another tub of ammonium nitrate was located about ten yards away. Directly behind the truck in a blue baggie the police located coffee filters, electrical tape and tubing along with pseudoephedrine tablets. More coffee filters were located about twenty feet from the wreck and plastic baggies were found in the trees. They also located a bag of lye with a measuring cap, two metal mixing bowls that were burned on the bottom were located about 10 yards from the truck, a box for rock salt was in the ditch by the truck and furthest away, about twenty yards, they found a propane burner directly behind the truck near the ditch.

A police detective testified that all of the described items taken together constituted everything needed to produce methamphetamine ready for sale. He further testified that one would often see litter along the Western Kentucky Parkway but never the amount of debris concentrated in a small area like the scene of the wreck. He also stated that finding the used residue of a mobile meth lab was more probative than finding discarded unused ingredients.

Police located Duggins in Elizabethtown, Kentucky at a motel. He had marks and scrapes on his body, a bump on his head, and was favoring his shoulder. He told the detective he was alone in a vehicle and the airbag must have hurt him. Duggins' employer testified that Duggins had been involved in accidents

before and did not have any insurance for a truck which was the only vehicle he owned. Duggins had been paid the day before the accident and the employer had urged him to get insurance with his pay. At about 4:30 a.m., the employer received a call from Duggins who said he had been in an accident. Duggins stated he had been alone in his truck on the “WK” and walked to his employer’s house where he showed up “frazzled, limping and upset.” Police believed “WK” was a reference to the Western Kentucky Parkway where they had located a wrecked truck.

Duggins’ shoulder was hurting but he did not want to go to the hospital nor did he want help in retrieving his truck. The employer identified a picture of the truck as being like the one driven by Duggins as well as identifying the black plastic tool box although he did not know for sure if Duggins’ tool box was foam-lined or not.

When ruling on a motion for a directed verdict the trial court is required to consider the evidence to be true in the light most favorable to the Commonwealth. *Baker v. Commonwealth*, 973 S.W.2d 54 (Ky. 1998). The trial court is also required to draw “all fair and reasonable inferences from the evidence in favor of the Commonwealth.” *Lawson v. Commonwealth*, 53 S.W.3d 534, 548 (Ky. 2001) (emphasis omitted). The trial court must “consider not only the actual evidence, but also must draw all fair and reasonable inferences from the evidence in favor of the Commonwealth.” *Id.* The standard on a directed verdict motion was restated in *Commonwealth v. Benham*, 816 S.W.2d 186 (Ky. 1991).

On motion for directed verdict, the trial court must draw all fair and reasonable inferences from the evidence in favor of the Commonwealth. If the evidence is sufficient to induce a reasonable juror to believe beyond a reasonable doubt that the defendant is guilty, a directed verdict should not be given. For the purpose of ruling on the motion, the trial court must assume that the evidence for the Commonwealth is true, but reserving to the jury questions as to the credibility and weight to be given to such testimony.

*Id.* at 187.

Here, the trial court acted reasonably when it inferred that there was sufficient evidence to link Duggins to the debris from the accident and that the debris indicated the manufacturing of methamphetamine.

Our standard of review is “if, under the evidence as a whole, it would be clearly unreasonable for a jury to find guilt, only then the defendant is entitled to a directed verdict of acquittal.” *Id.* Our review of this record discloses that there was sufficient evidence for a jury to find Duggins guilty of the crimes charged.

There was no error, and the judgment is affirmed.

ALL CONCUR.

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