

Commonwealth of Kentucky

Court of Appeals

NO. 2015-CA-001055-MR

WILLIAM T. AKRIDGE, IV

APPELLANT

v.

APPEAL FROM HARDIN CIRCUIT COURT
HONORABLE KELLY MARK EASTON, JUDGE
ACTION NO. 15-CR-00074

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * * * *

BEFORE: KRAMER, CHIEF JUDGE; NICKELL AND THOMPSON, JUDGES.

THOMPSON, JUDGE: William T. Akridge, IV appeals from the Hardin Circuit Court's judgment sentencing him to fifteen-years' imprisonment after a jury found him guilty of receiving stolen property (value \$500 or more), first-degree fleeing or evading police, operating on a suspended or revoked license, and persistent felony offender in the first degree. For the following reasons, we affirm.

Jennifer Gail Shaw arrived home on December 21, 2014, and parked her car in her driveway. The next day, Shaw discovered her vehicle was missing. Shaw realized she left her keys in the ignition.

Shaw called the Hardin County Sherriff's Office and reported that her 2000 Dodge Durango recently purchased from Carmart had been stolen. She informed the officer that Carmart equipped each of their vehicles with Global Positioning Systems (GPS), which could be used to locate her vehicle.

Using the GPS system, police located Shaw's vehicle. Detective Graham, driving an unmarked police car, followed the vehicle and radioed for assistance. Deputy Browder, who arrived in a marked police cruiser, attempted to flag the vehicle by activating his emergency lights and siren, however, the vehicle accelerated. A high-speed chase ensued, which was videotaped by Browder's dashcam. The driver of the vehicle eventually turned into a corn field, stopped the vehicle, and ran into the woods.

Meanwhile, Deputy Allaman, who had been listening to the pursuit on his police radio, was in a neighborhood on the opposite side of the woods. Knowing this, Graham informed Allaman the suspect was a white male with dark clothing and was headed in Allaman's direction. Allaman shut off his emergency equipment and waited. Approximately fifteen seconds later, Allaman saw Akridge walking between two houses. He observed Akridge walk to the front door of one of the houses and turn the doorknob. Unsuccessful, Akridge then rang the doorbell. Allaman pulled into the driveway of the house, exited his vehicle with

his badge and gun drawn, and ordered Akridge to the ground. Allaman testified Akridge was out of breath, sweating, and carrying a dark hooded sweatshirt. A short while later, the officers who pursued the stolen vehicle arrived and identified Akridge as the person they saw driving the vehicle. Akridge was taken into custody.

Allaman notified Shaw that her vehicle had been located. Shaw arrived at the scene a short time later and gave the police consent to search her vehicle. Inside the vehicle, among other items, police found ammunition, glass pipes, pieces of a baggie, tube straws, and a propane torch. The pipes found in Shaw's vehicle were found to contain methamphetamine residue. Shaw advised Allaman that neither she nor her fiancé owned firearms or used illegal drugs.

Akridge was arrested, tried, and convicted for receiving stolen property (value \$500 or more), first-degree fleeing or evading police, operating on a suspended or revoked license, possession of a controlled substance, first-degree, and persistent felony offender in the first degree. Akridge was found not guilty of possession of drug paraphernalia. The jury recommended a total sentence of sixteen-years' imprisonment. During final sentencing, the Commonwealth moved to dismiss the first-degree possession of a controlled substance conviction. The trial court granted the motion and sentenced Akridge to a total of fifteen-years' imprisonment. He appeals as a matter of right.

Akridge's lone assignment of error is that the circuit court failed to direct a verdict of acquittal. Upon a 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.” *Commonwealth v. Benham*, 816 S.W.2d 186, 187 (Ky. 1991). A trial court may only “direct a verdict for the defendant if the prosecution produces no more than a scintilla of evidence. Obviously there must be evidence of substance.” *Commonwealth v. Sawhill*, 660 S.W.2d 3, 5 (Ky. 1983). “On appellate review, the test of a directed verdict is, if under the evidence as a whole, it would be clearly unreasonable for a jury to find guilty, only then the defendant is entitled to a directed verdict of acquittal.” *Benham*, 816 S.W.2d at 187.

Akridge argues there was insufficient evidence for the jury to believe he was guilty beyond a reasonable doubt because he was not found in or around the stolen vehicle, and the dashcam video clearly demonstrates the police officers did not have a clear view of the person driving the vehicle. He points to inconsistencies in the officers’ testimony and to the fact there was no mud on his shoes, despite that the abandoned vehicle was found in a muddy field. He argues the Commonwealth failed to prove he was the driver of the stolen vehicle and, therefore, the trial court erred when it did not direct a verdict on all charges.

After reviewing the record, we conclude the Commonwealth produced sufficient evidence to prove Akridge was the driver of the stolen vehicle. Both Graham and Browder testified they clearly saw Akridge’s face during his flight from the cruisers. Graham testified he observed Akridge’s face when he first

spotted the stolen vehicle, and Browder testified he saw Akridge's face when Akridge made a left hand turn during his flight, which brought the stolen vehicle perpendicular to Browder's police cruiser. Allaman testified he found Akridge on foot, sweaty and breathing hard, in a cul-de-sac on the opposite edge of the wooded area the suspect entered. Akridge fit the description of the suspect given to Allaman by Graham and Browder. Immediately after Akridge was apprehended, both Graham and Browder identified Akridge as the driver of the stolen vehicle. Further, Akridge had scratches on his hands consistent with someone who had recently run through brush. Akridge, who lived directly behind Jennifer's home, was found in a neighborhood miles from his residence and a few hundred yards from the stolen vehicle.

“The credibility and the weight to be given the testimony are questions for the jury exclusively.” *Sawhill*, 660 S.W.2d at 5. A trial court is not at liberty to direct a verdict merely because a defendant presents some exculpatory evidence or successfully impeaches a witness. Considering the evidence as a whole, we do not believe it was unreasonable for the jury to find Akridge guilty beyond a reasonable doubt.

For the foregoing reasons the judgment of the Hardin Circuit Court is affirmed.

ALL CONCUR.

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