NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA	*	**NO. 2002-KA-1157**
VERSUS	*	**COURT OF APPEAL**
GEORGE LACAZE	*	**FOURTH CIRCUIT**
	*	**STATE OF LOUISIANA**
	*	
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APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 427-932, SECTION "C"
Honorable Sharon K. Hunter, Judge
* * * * * *
JUDGE MAX N. TOBIAS, JR.
* * * * * *

(COURT COMPOSED OF CHIEF JUDGE WILLIAM H. BYRNES III, JUDGE TERRI F. LOVE, JUDGE MAX N. TOBIAS, JR.)

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CONVICTION AND SENTENCE AFFIRMED

The defendant, George Lacaze, was charged by bill of information on 8 February 2002, with possession of a stolen vehicle worth more than $500, a violation of La. R.S. 14:69(A). At his arraignment on 20 February 2002 he pleaded not guilty. After a hearing on 1 March 2002 the trial court found probable cause and denied the motions to suppress the evidence, statement, and identification. The defendant waived his right to a jury, and after a bench trial on 1 April 2002, was found guilty as charged. The State filed a multiple bill charging the defendant as a second offender, and after being advised of his rights, the defendant pleaded guilty to the bill. He was sentenced on 9 April 2002 to serve five years at hard labor. His motion to reconsider the sentence was denied and his motion for an appeal was granted.

On 30 December 2001, Officers Desmond Julian and Kyle Young were driving on Urquhart Street when they saw a white 2002 Dodge Stratus automobile with a temporary tag in the window and a regular license plate on the bumper. As the officers approached the vehicle, it sped away. The

car turned onto Touro Street and again onto Marais Street. At the intersection of Marais Street and Elysian Fields Avenue, the driver of the car did not stop at the stop sign, and the officers turned on their emergency police lights and siren. At the corner of Mandeville and Marais Streets, the driver jumped out of the car and began to run while the car was still moving. The officers got out of their police car and chased the man, later identified as the defendant. Lacaze jumped two fences in his attempt to evade the officers, but he was apprehended in the backyard of a house at 2267 Marais Street. An examination of the vehicle driven by the defendant revealed that the door lock had been forced and the steering column was broken. A screwdriver and a piece of a brick were on the floorboard of the car. The owner of the car was notified that her car had been found, and she came to the scene and identified her car. When the defendant was searched incident to his arrest, he was found to be carrying a screwdriver in his pocket. The defendant made a statement when he was arrested that he did not steal the vehicle.

The parties stipulated that the vehicle in this case was worth more than $500.00.

No errors patent on the face of the record are present.

In his first assignment of error, the defendant contends that the State

failed to produce sufficient evidence to sustain his conviction for possession of a stolen vehicle valued at over $500.00.

When assessing the sufficiency of evidence to support a conviction, the appellate court must determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found proof beyond a reasonable doubt of each of the essential elements of the crime charged. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781 (1979); *State v. Jacobs*, 504 So.2d 817 (La. 1987).

In addition, when circumstantial evidence forms the basis of the conviction, such evidence must consist of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience. *State v. Shapiro*, 431 So.2d 372 (La. 1982). The elements must be proven such that every reasonable hypothesis of innocence is excluded. La. R.S. 15:438. La. R.S. 15:438 is not a separate test from *Jackson v. Virginia*, but rather is an evidentiary guideline to facilitate appellate review of whether a rational juror could have found a defendant guilty beyond a reasonable doubt. *State v. Wright*, 445 So.2d 1198 (La. 1984). All evidence, direct and circumstantial, must meet the *Jackson* reasonable doubt standard. *State v. Jacobs*, 504 So.2d 817 (La. 1987).

In order to sustain a conviction under La. R.S. 14:69, the State must prove that (1) the vehicle was stolen; (2) the vehicle was worth more than five hundred dollars; (3) the defendant knew or should have known that the vehicle was stolen; and, (4) the defendant intentionally received the property. *State v. Hoskin*, 605 So.2d 650 (La. App. 4th Cir. 1992). In the case at bar, the defendant contends that because the owner of the car did not testify the State failed to prove that the car was stolen or that Lacaze did not have permission from the owner to drive the car.

We disagree. At trial the officers testified that after stopping the driver for reckless driving, they ran the car license plate through the police computer and found that the car was stolen. They met with the owner of the car who identified the car as belonging to her. The parties stipulated as to the value of the car. Furthermore, evidence of a cracked or defeated steering column and ignition and the fact that the car could be driven without a key, is evidence of a stolen vehicle. From these facts the jury could reasonably assume and infer that the defendant would know that he was in possession of a stolen vehicle. *State v. Wilson*, 544 So.2d 1300, 1302 (La. App. 4 Cir. 1989). Moreover, the defendant's overt actions in trying to elude the police by speeding, jumping out of the car while it was moving, and running through several yards indicate that he willingly received the

stolen property and did not have permission from the owner to drive the vehicle. *Id*.

Viewing the evidence in the light most favorable to the prosecution, we find that a reasonable trier of fact could conclude that the State proved all the elements of possession of a stolen vehicle beyond a reasonable doubt.

Accordingly, the defendant's conviction and sentence are affirmed.

CONVICTION AND SENTENCE AFFIRMED