In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-09-00470-CR

RONNIE WILLIAMS, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 08-02675

MEMORANDUM OPINION

Ronnie Williams, Jr.[1] appeals his conviction for robbery. Williams claims that the evidence is legally and factually insufficient to support the jury's verdict. *See* TEX. PEN. CODE ANN. § 29.02 (Vernon 2003). We affirm the trial court's judgment.

Background

On January 1, 2008, Williams checked into the J & J Motel, and shortly after checking in, Williams refused two rooms, claiming they were dirty. Williams complained

[1]The record reflects that Ronnie Williams, Jr. is also known as Ronnie Williams and Horsehead.

to the manager, C.K.[2] C.K. assigned Williams a new room, and she then escorted him to his room to ensure that it was clean. Williams robbed C.K. during her inspection of his motel room.

At trial, C.K. identified Williams as the robber. C.K. testified that Williams grabbed her by the throat, pushed her against the bathroom sink, and said, "'Don't scream or I will shoot you. I have a gun, and I will kill you.'" C.K. further testified that Williams had his hand in his pants pocket and that she did not doubt that he had a gun even though she never saw one. At that point, C.K. explained that she feared that Williams would kill her. According to C.K., Williams said that he needed to go to the hospital to see his wife and that he wanted her vehicle. C.K. told Williams that her keys were in her motel room, so Williams took her motel keys from her pocket and tied her up. Williams also told C.K. that he was going to get her truck and then come back for her. After Williams left the room, C.K. escaped.

Four Beaumont police officers who responded to the call of a possible armed robbery at the J & J Motel also testified at the trial. The officers explained that upon arriving at the motel, they immediately saw a suspect matching the description of the robber. At trial, Officer Reynolds identified Williams as the person that he saw at the motel on January 1. Officer Reynolds testified that when he ordered Williams to remove his hands from his pocket, Williams pulled out one of his hands and dropped a set of keys on the ground. Officer Reynolds further testified that Williams said: "I ain't done

[2]For purposes of this appeal, we refer to the State's witness by her initials.

nothing. Go ahead and kill me." Williams walked away from the officers, who had their weapons drawn and ignored repeated commands to stop. The officers chased Williams and found him hiding in a dumpster. When Williams was arrested a short time later, the officers did not find a gun.

Williams was taken to the police station where he was interviewed by Detective Wilson. Detective Wilson testified that he advised Williams of his rights and that Williams voluntarily gave him a statement. According to Williams's statement, he checked into the J & J Motel because he was hiding from some guys who were involved with drugs. In his statement, Williams admitted that he tied C.K.'s hands with pillow cases, and he also stated that he demanded and took a set of keys from her pocket. According to his statement, Williams denied having a weapon. The statement also explains that Williams wanted C.K.'s truck so he could "get away and hide."

The jury found Williams guilty of robbery, a second degree felony. *See* TEX. PEN. CODE ANN. § 29.02. Williams pled "true" to the enhancement allegations in the indictment. In assessing punishment, the jury also found Williams to be an habitual offender and assessed his punishment at ninety-nine years in prison. *See* TEX. PEN. CODE ANN. § 12.42(b) (Vernon Supp. 2009) (providing the enhancement to a sentence of life, or a term of not more than ninety-nine years or less than five years in cases involving a prior final felony conviction).

Legal and Factual Sufficiency

When assessing the legal sufficiency of the evidence to support a criminal conviction, an appellate court considers all of the evidence in the light most favorable to the verdict to determine whether, based on that evidence and reasonable inferences therefrom, a rational juror could have found the essential elements of the crime beyond a reasonable doubt. *Roberts v. State*, 273 S.W.3d 322, 326 (Tex. Crim. App. 2008) (citing *Jackson v. Virginia*, 443 U.S. 307, 318-319, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)). In a factual sufficiency review, we consider all of the evidence in a neutral light. *Roberts v. State*, 220 S.W.3d 521, 524 (Tex. Crim. App. 2007). "Evidence can be factually insufficient in one of two ways: (1) when the evidence supporting the verdict is so weak that the verdict seems clearly wrong and manifestly unjust, and (2) when the supporting evidence is outweighed by the great weight and preponderance of the contrary evidence so as to render the verdict clearly wrong and manifestly unjust." *Id.* (citing *Watson v. State*, 204 S.W.3d 404, 414-15 (Tex. Crim. App. 2006); *Johnson v. State*, 23 S.W.3d 1, 11 (Tex. Crim. App. 2000)). In assessing factual sufficiency complaints, we must give due deference to the fact-finder's determinations concerning the weight and credibility of the evidence. *Swearingen v. State*, 101 S.W.3d 89, 97 (Tex. Crim. App. 2003). An appellate court may not reverse for factual insufficiency when "'the greater weight and preponderance of the evidence actually favors conviction.'" *Roberts*, 220 S.W.3d at 524 (quoting *Watson*, 204 S.W.3d at 417).

Analysis

Williams asserts that the evidence is legally and factually insufficient to prove that he intentionally committed the offense of robbery. Under Texas law, a person commits the offense of robbery if, in the course of committing theft and with intent to obtain or maintain control of property, he "(1) intentionally, knowingly, or recklessly causes bodily injury to another; or (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death." TEX. PEN. CODE ANN. § 29.02.

A person acts intentionally with respect to the nature or a result of his conduct when it is his conscious objective or desire to engage in the conduct or to cause the result. TEX. PEN. CODE ANN. § 6.03(a) (Vernon 2003). The intent element is directed to the defendant's state of mind in threatening or placing the victim in fear, the assaultive component of robbery. *Posey v. State*, 763 S.W.2d 872, 876 (Tex. App.–Houston [14th Dist.] 1988, pet. ref'd) (citing *Ex parte Santellana*, 606 S.W.2d 331, 333 (Tex. Crim. App. 1980)). Juries may infer intent from the defendant's conduct, remarks, and circumstances surrounding the acts in which the defendant had been engaged. *See id.* (citing *Allen v. State*, 478 S.W.2d 946, 947 (Tex. Crim. App. 1972)).

To constitute the crime of robbery there must either be violence, or the evidence must show that there was intimidation of a type that placed the victim in fear; the victim's fear must be of such nature as in reason and common experience is likely to induce a person to part with his property against his will. *Cranford v. State*, 377 S.W.2d 957, 958

(Tex. Crim. App. 1964) (citing *Easley v. State*, 82 Tex. Crim. 238, 199 S.W. 476, 478 (1917)). "It is also well settled that robbery may be committed where the robber makes his victim believe that he has a weapon." *Id.* at 959. The *Cranford* court concluded that the evidence was sufficient to support the verdict where the victim's fear was justified by the robber moving his hand to his back pocket in such a manner as to cause the victim to believe the robber was in possession of a pistol. *Id.*

Although the Texas Penal Code was amended in 1974, *Cranford's* reasoning with respect to the use of intimidation to accomplish a robbery has been incorporated into the elements of section 29.02(a)(2). TEX. PEN. CODE ANN. § 29.02(a)(2) ("intentionally or knowingly threatens or places another in fear of imminent bodily injury or death"); *Devine v. State*, 786 S.W.2d 268, 270 (Tex. Crim. App. 1989); *see also* Act of May 24, 1973, 63rd Leg., R.S., ch. 399, § 1, sec. 29.02, 1973 Tex. Gen. Laws 883, 926. Additionally, even though section 29.02 was amended again in 1993, the 1993 amendment did not change the statutory elements for the crime of robbery.[3]

Here, the evidence in the record shows that Williams placed C.K. in fear for her life when he told C.K. that he had a gun, threatened to shoot her, and demanded her vehicle and took her keys. C.K. testified that Williams had his right hand around her throat and his left hand in his pocket when he told C.K. that he would shoot and kill her.

[3]*See* Act of May 29, 1993, 73rd Leg., R.S., ch. 900, § 1.01, sec. 29.02, 1993 Tex. Gen. Laws 3586, 3632-3633. (The 1993 amendment, in subsection (a), following "Chapter 31", deleted "of this code.")

According to C.K., she feared that she would be injured or killed if she did not do what Williams said. The jury, in this case, could have reasonably inferred from Williams's conduct and remarks that he intentionally threatened and placed C.K. in fear of imminent bodily injury or death by making C.K. believe that he had a gun and that he would kill her.

In his brief, Williams also argues that there is no evidence of a theft because he never actually stole C.K.'s truck. A person commits the offense of theft if he "unlawfully appropriates property with intent to deprive the owner of property." TEX. PEN. CODE ANN. § 31.03(a) (Vernon Supp. 2009). Nevertheless, "[p]roof of a completed theft is not required to support a robbery conviction." *Ford v. State*, 152 S.W.3d 752, 757 (Tex. App.–Houston [1st Dist.] 2004, pet. ref'd).

The evidence shows that Williams deprived C.K. of her keys, and that he did so in an attempt to deprive her of her truck, without her effective consent. *See* TEX. PEN. CODE ANN. § 31.03(a); *see also Ex parte Santellana*, 606 S.W.2d at 333. In his statement, Williams admitted that he took C.K.'s keys and that it was his plan to take her truck. C.K.'s testimony provides further support for the jury's verdict, as C.K. testified that Williams took her keys, and that Williams told her he was going to get her truck and then return to get her. Viewing the evidence in the light most favorable to the verdict, we conclude that a rational trier of fact could have found beyond a reasonable doubt that Williams appropriated C.K.'s keys intending to deprive C.K. of her truck. *See Roberts,*

273 S.W.3d at 326. We therefore hold that the evidence is legally sufficient to support Williams's conviction for robbery.

Furthermore, our neutral view of the record does not demonstrate that proof of guilt is so weak as to undermine our confidence in the jury's determination, nor does it demonstrate that the proof of guilt is greatly outweighed by contrary proof. Therefore, in our opinion, the jury's decision to convict Williams of robbery was not clearly wrong or manifestly unjust. *See Roberts*, 220 S.W.3d at 524. We also hold that the evidence is factually sufficient to support Williams's conviction.

Having considered Williams's legal and factual sufficiency arguments, we overrule Williams's issue, and we affirm the trial court's judgment.

AFFIRMED.

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HOLLIS HORTON
Justice

Submitted on April 28, 2010
Opinion Delivered June 23, 2010
Do Not Publish

Before McKeithen, C.J., Gaultney and Horton, JJ.