Judge Miller's unpublished opinion for May 23, 2007

DIVISION I

CACR06-1398

May 23, 2007

EDWARD GLOVER APPELLANT	AN APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT
v.	[CR-2004-3933, CR-2006-779, CR2006-742]
STATE OF ARKANSAS APPELLEE	HONORABLE JOHN W. LANGSTON, JUDGE
	AFFIRMED

Appellant Edward Glover challenges the sufficiency of the evidence supporting his conviction of theft by receiving. We affirm.

In November 2005, Danny Dednam loaned his 2004 Hyundai Santa Fe to a friend who failed to return the vehicle. Dednam therefore reported his vehicle stolen. He later testified at Glover's trial that he neither knew Glover nor did he permit Glover to use the vehicle.

On January 12, 2006, an officer with the Little Rock Police Department observed Dednam's vehicle outside a residence where two stolen vehicles and a stolen license plate were previously recovered. As he drove by, the officer ran the vehicle's tags and the tags came back fictitious. Because the vehicle was parked, the officer decided not to stop. He did, however, notify other officers in the area as to the vehicle's presence. Later that evening, other officers observed Glover driving the vehicle with no headlights and performed a traffic

stop. A check of the vehicle's VIN number revealed that it was stolen and Glover was placed under arrest. The officers inventoried the vehicle and found crack cocaine in the console.

Following his arrest, Glover stated to the police that he believed the vehicle was stolen. Glover admitted at his trial that he told the officers that the word on the street was that the car was stolen. He disavowed his previous statement because he said that he was under the influence at the time he gave it. He went on to testify that his daughter's boyfriend loaned him the vehicle and that he had been driving it because he was homeless and needed a place to stay. He later testified that, after he took possession of the vehicle, his daughter informed him that the vehicle might be stolen.

At the close of the evidence, Glover's motion for directed verdict was denied and he was convicted of possession of a controlled substance and theft by receiving. The court also found that he violated the terms of his probation stemming from a May 16, 2006, negotiated plea of guilty to commercial burglary. He was sentenced to: six years' imprisonment for theft by receiving; five years' imprisonment for possession of a controlled substance, and three years' imprisonment for violating his probation. The court ran the sentences for theft by receiving and possession of a controlled substance concurrently and ran the probation violation sentence consecutively. Glover now appeals, challenging only the sufficiency of the evidence supporting his conviction for theft by receiving.

Glover argues that the trial court erred in denying his motion for directed verdict because there was insufficient proof that he knew that the vehicle was stolen. When a

challenge is made to the sufficiency of the evidence leading to a conviction, the evidence is viewed in the light most favorable to the State. *Russell v. State*, ___ Ark. ___, ___ S.W.3d ___ (Nov. 2, 2006). The test is whether there is substantial evidence to support the verdict, which is evidence that is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or another. *Slater v. State*, 76 Ark. App. 365, 65 S.W.3d 481 (2002).

A person commits theft by receiving when he receives, retains, or disposes of stolen property of another while, at the same time, he (1) knows that the property was stolen or (2) has good reason to believe the property was stolen. Ark. Code Ann. § 5-36-106(a) (Repl. 2006). Glover argues that the State failed to prove that he knew the vehicle was stolen. A criminal defendant's intent can rarely be proven by direct evidence, but may be inferred from the circumstances of the crime, and the fact finder may draw upon common knowledge and experience to infer intent. *Jefferson v. State*, 86 Ark. App. 325, 185 S.W.3d 114 (2004).

Glover gave a statement in which he admitted that he knew the vehicle was stolen. While Glover asks us to consider his subsequent disavowal of the statement, the trial court was not required to believe his disavowal, especially considering it was self-interested testimony of a defendant. *Jones v. State*, 344 Ark. 682, 42 S.W.3d 536 (2001). Furthermore, after disavowing his statement, Glover later testified that after obtaining the vehicle, he was informed by his daughter that the vehicle might be stolen.

Based on Glover's custodial statement and his subsequent testimony, there was

substantial evidence that would lead the fact finder to conclude that he knew the vehicle was stolen. Therefore, we hold that there was sufficient evidence to support Glover's conviction for theft by receiving.

Affirmed.

GLOVER and BAKER, JJ., agree.