Cite as 2011 Ark. App. 692

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR11-379

	Opinion Delivered November 16, 2011
LARRY CLAYTON APPELLANT	APPEAL FROM THE HOT SPRING COUNTY CIRCUIT COURT [NO. CR-2010-143-1]
V.	HONORABLE CHRIS E WILLIAMS, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

JOHN MAUZY PITTMAN, Judge

The appellant was charged with residential burglary. After a jury trial, he was convicted of that offense and sentenced to thirty years' imprisonment. He argues on appeal that the trial court erred in denying his motion for a directed verdict. We affirm.

A motion for a directed verdict is a challenge to the sufficiency of the evidence. *Jackson v. State*, 375 Ark. 321, 290 S.W.3d 574 (2009). On appeal, we view the evidence in the light most favorable to the State, considering only that evidence that supports the verdict. *Id.* The test for determining the sufficiency of the evidence is whether the verdict is supported by substantial evidence, direct or circumstantial. *Id.* Evidence is substantial if it is of sufficient force and character to compel reasonable minds to reach a conclusion and pass beyond suspicion and conjecture. *Id.*

A person commits residential burglary if he enters or remains unlawfully in a residential occupiable structure of another person with the purpose of committing therein any offense

punishable by imprisonment. Ark. Code Ann. § 5-39-201(a)(1) (Repl. 2006). Both entry into a structure and a specific intent to commit an offense punishable by imprisonment are essential elements of burglary. *Norton v. State*, 271 Ark. 451, 609 S.W.2d 1 (1980); *see Ward v. Lockhart*, 841 F.2d 844 (8th Cir. 1988).

Appellant argues that there was no substantial evidence to prove he entered the victim's home with the intent to commit an offense punishable by imprisonment. We do not agree. There was evidence that appellant gained access to the home by breaking a front-door window, turned on the light in the kitchen, opened the refrigerator, removed four bottles of wine-cooler from the refrigerator, put the bottles in a sack, and attempted to flee when police officers arrived at the crime scene. The facts are analogous to those presented in *Dillard v. State*, 20 Ark. App. 35, 723 S.W.2d 373 (1987). Noting that proof of intent is not ordinarily susceptible of proof by direct evidence and must therefore be inferred from the circumstances, we held in *Dillard* that intent to commit theft could be inferred from the fact that items in the burglarized home had been gathered up, as if to be carried off, coupled with evidence that the items had not been moved by anyone else. *Id.* at 39, 723 S.W.2d at 375. Here, the resident of the home testified that she heard appellant moving the bottles and that the bottles were in the refrigerator before he broke in. We hold that this evidence is sufficient to prove intent to commit theft.

Affirmed.

VAUGHT, C.J., and GRUBER, J., agree.