

**STATE OF LOUISIANA IN
THE INTEREST OF P.M.**

*** NO. 2015-CA-0834
* COURT OF APPEAL
* FOURTH CIRCUIT
* STATE OF LOUISIANA**

*** * * * ***

BELSOME, J., DISSENTS WITH REASONS

I respectfully dissent from the majority’s conclusion. As the majority recognized, “when circumstantial evidence forms the basis of 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 in the interest of J.W.*, 12-0048, p. 8 (La.App. 4 Cir. 6/6/12), 95 So.3d 1181, 1186.

Here, the evidence indicates that Mrs. Nguyen saw a person outside of her food truck and subsequently discovered that the truck had been burglarized. Shortly thereafter, the appellant was found in possession of the items taken, candy and approximately \$35 in change. The appellant claimed to have been given the candy and change by someone he was only able to identify with a first name, a name that his mother testified was unfamiliar to her. I find the appellant’s explanation to be implausible. The facts and circumstances of this case support the inference that P.M. entered the food truck and removed the items that were later found in his possession.

Applying the *Jackson* standard to this case, the State clearly met their burden of proof.¹ Therefore I would affirm the adjudication for simple burglary.

¹ *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)(viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the defendant guilty beyond a reasonable doubt)