

Opinion issued April 14, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00399-CR

CLARENCE RAY SPILLER, Appellant
V.
THE STATE OF TEXAS, Appellee

**On Appeal from the 183rd District Court
Harris County, Texas
Trial Court Case No. 1178726**

MEMORANDUM OPINION

Appellant, Clarence Ray Spiller, appeals a judgment convicting him for murder, for which he received life imprisonment. *See* TEX. PENAL CODE ANN. § 19.02(b)(1)–(2) (West 2003). In his sole issue on appeal, appellant contends the

evidence is legally insufficient. We conclude the evidence is sufficient and affirm the trial court's judgment.

Background

Appellant arrived at the Timber Ridge Creek Apartments in Harris County in the late afternoon on August 13, 2008. Appellant was returning from M.D. Anderson Hospital, where he had taken Pam Hasty and her son for her son's cancer treatment. Appellant parked his car on the curb in front of the building that the Hastys shared with their neighbors, the Knoxes. Appellant was often around the Timber Ridge Creek Apartments because he was dating Pam and both he and his mother had been longtime friends of the Knox family.

When appellant arrived, Shante Knox approached and said something to him. The two began arguing. Shante had a drink in a brown paper bag, which she swung like a club at appellant. Shante ran back to her the door of her apartment, and appellant followed closely behind. The two ran around a tree and behind the corner of a wall, where they were momentarily alone. Shante had been "hollering for her mom and hitting on the door [but] then it got quiet." Witnesses saw Shante fall to the ground.

Appellant returned from behind the corner, quickly entered his car, and drove off. Immediately, several witnesses, including the Hastys and Reathey Knox, came upon Shante just outside the front door of the Knox family's

apartment. Shante was bleeding profusely from multiple wounds: she had been stabbed in the bicep, cut across the armpit, stabbed along her right jaw, cut on her left cheek, and stabbed in the back of her neck, severing a major artery and cutting her spinal cord.

The paramedics who responded to the scene took Shante to the hospital, where she was pronounced dead after six minutes. Officers surveyed and secured the scene, took statements from multiple witnesses, and collected DNA evidence from the blood at the scene for analysis. The police were unable to locate any weapon at the scene.

Upon further investigation, police identified appellant as a suspect in Shante's murder. When they took appellant into custody at around 6:00 a.m., they searched his car and found dried blood on the driver's side door handle as well as small reddish-brown spots on appellant's hand and clothes. The police officers found no murder weapon on appellant or in his vehicle. The police took DNA swabs of the dried blood on the car door handle as well as the reddish-brown spots on appellant's hand and clothes. The three samples were later determined to match Shante's DNA profile. Further, the police noted, on appellant's right index finger, a fresh laceration, which they stated was consistent with accidentally self-inflicted knife wounds that occur during stabbings.

At trial, the State presented testimony of eyewitnesses who were present at the Timber Ridge Creek Apartments that afternoon, police officers and crime scene investigators who responded to the scene, officers who apprehended appellant, a forensic DNA analyst, and the medical examiner who prepared the autopsy report. After the State rested, appellant requested a directed verdict, which was overruled. Appellant did not testify. The jury found appellant guilty of murder under a general verdict that did not specify the indictment subsection under which he was convicted.

Sufficiency of the Evidence

Appellant asserts that the State failed to prove every element of murder beyond a reasonable doubt and that he was accordingly entitled to a directed verdict. We construe a challenge to a trial court's denial of a motion for directed verdict as a challenge to the sufficiency of the evidence. *Canales v. State*, 98 S.W.3d 690, 693 (Tex. Crim. App. 2003).

A. Standard of Review

In reviewing the sufficiency of the evidence to support a conviction, we view all the evidence in the light most favorable to the verdict in order to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979); *Swearingen v. State*, 101 S.W.3d 89, 95 (Tex. Crim.

App. 2003). Viewed in the light most favorable to the verdict, the evidence is insufficient under this standard in two circumstances: (1) the record contains no evidence, or merely a “modicum” of evidence, probative of an element of the offense; or (2) the evidence conclusively establishes a reasonable doubt. *See Jackson*, 443 U.S. at 314, 318 n.11, 320, 99 S. Ct. at 2786, 2789 & n.11; *Laster v. State*, 275 S.W.3d 512, 518 (Tex. Crim. App. 2009); *Williams v. State*, 235 S.W.3d 742, 750 (Tex. Crim. App. 2007).

In applying this standard, we defer to the jurors as the exclusive judges of the credibility of the witnesses and the weight given to a witness’s testimony. *Williams*, 235 S.W.3d at 750. A jury is entitled to accept one version of the facts and reject another or reject any part of a witness’s testimony. *Losada v. State*, 721 S.W.2d 305, 309 (Tex. Crim. App. 1986). In viewing the record, “[d]irect and circumstantial evidence are treated equally: ‘circumstantial evidence is as probative as direct evidence in establishing the guilt of an actor, and circumstantial evidence alone can be sufficient to establish guilt.’” *Clayton v. State*, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007) (quoting *Hooper v. State*, 214 S.W.3d 9, 16–17 (Tex. Crim. App. 2007)). We presume the jury resolved any conflicting inferences in favor of the verdict and defer to that resolution. *See Jackson*, 443 U.S. at 326, 99 S. Ct. at 2793; *Clayton*, 235 S.W.3d at 778.

In analyzing whether circumstantial evidence is sufficient, we must consider the “logical force of the combined pieces of circumstantial evidence in the case, coupled with reasonable inferences from [the circumstantial evidence].” *Evans v. State*, 202 S.W.3d 158, 166 (Tex. Crim. App. 2006). We must not conclude that the evidence is insufficient merely by analyzing each fact in isolation, and we must not rely on alternative inferences or explanations for isolated pieces of evidence. *Id.* at 164. Instead, we are to view the evidence “in combination and its sum total.” *Id.* at 166. We determine whether the necessary inferences are reasonable based upon the “combined and cumulative force” of the evidence when viewed in the light most favorable to the verdict. *See Clayton*, 235 S.W.3d at 778.

A person commits murder if (1) he commits an act that causes the death of another and (2) he intended or knew that death would result from the act or he intended that serious bodily injury would result from the act and the act is clearly dangerous to human life. TEX. PENAL CODE ANN. § 19.02(b)(1)–(2).

B. Analysis

Appellant asserts that the State failed to establish that he was the perpetrator of the offense and that the evidence fails to show he possessed or used a deadly weapon against Shante.

The parties agree that no eyewitness saw appellant stab or injure Shante. However, two witnesses saw appellant chase Shante around a corner. Appellant

and Shante were momentarily alone. Then appellant immediately walked away from the area, entered his car, and left the apartment complex. Within moments, multiple witnesses found Shante's body. No one else was present in the immediate area where Shante's body was found. Appellant was the only person to leave the area during the short span of time in which Shante was killed. DNA evidence linked the blood on appellant's clothes, car door, and hand to Shante. The likelihood of the DNA belonging to another individual aside from Shante was 1 in 605 quadrillion. Appellant walked away from Shante and entered his car at the same time several witnesses came upon Shante, mortally wounded and bleeding profusely from multiple injuries. Evidence of flight can support an inference of guilt. *See Burks v. State*, 876 S.W.2d 877, 903 (Tex. Crim. App. 1994). Together, this evidence is sufficient to support the jury's determination that appellant was the perpetrator. *See Clayton*, 235 S.W.3d at 779–81 (evidence that perpetrator was at crime scene moments after murder occurred, fled scene, and had motive was sufficient under the *Jackson* standard to establish guilt beyond reasonable doubt); *Eguia v. State*, 288 S.W.3d 1, 6–7 (Tex. App—Houston [1st Dist.] 2008, no pet.) (holding evidence sufficient to support murder conviction where testimony placed defendant at crime scene, DNA analysis linked victim to blood found on defendant, and expert testimony suggested cuts on defendant's hands consistent with self-inflicted injuries received while attacking someone with a knife).

The jury may infer intent to cause serious bodily injury from “the acts and words of the defendant, the manner in which the offense was committed, the nature of the wounds inflicted, and the relative size and strength of the parties.” *Nickerson v. State*, 69 S.W.3d 661, 667 (Tex. App.—Waco 2002, pet ref’d) (citing *Patrick v. State*, 906 S.W.2d 481, 487 (Tex. Crim. App. 1995)). The Penal Code defines “serious bodily injury” as “bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” TEX. PENAL CODE ANN. § 1.07(a)(46) (West 2003). Shante’s cause of death was trauma and blood loss resulting from multiple stab wounds. She was stabbed in the bicep, cut across the armpit, stabbed along her right jaw, cut on her left cheek, and stabbed in the back of her neck, severing a major artery and cutting her spinal cord. The combination of Shante’s wounds is sufficient to be considered serious bodily injury, due to the location of the wounds and the severity of damage such wounds could cause. The jury may rationally infer that anyone who stabs and cuts an individual five times, especially in vital areas such as the jaw and the back of the neck, intends to cause serious bodily injury. Because the evidence shows appellant intended to cause serious bodily injury, we need not examine the alternative paragraph concerning intentionally or knowingly causing Shante’s death.

Conclusion

Viewing the evidence in the light most favorable to the verdict, we conclude that the jury could have rationally found each element of murder was proven beyond a reasonable doubt. *See Clayton*, 235 S.W.3d at 779–81; *Eguia*, 288 S.W.3d at 6–7. We affirm the judgment of the trial court.

Elsa Alcala
Justice

Panel consists of Chief Justice Radack and Justices Alcala and Bland.

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