

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00512-CR

QUINCY JOHN LEDET, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 260th District Court
Orange County, Texas
Trial Cause No. D-090670-R

MEMORANDUM OPINION

Appellant, Quincy John Ledet, was convicted of delivery of a controlled substance and sentenced to fifteen months in state jail and a \$5,000 fine. In one issue, Ledet argues that the evidence was insufficient to support his conviction. We affirm the judgment of the trial court.

In determining whether there is sufficient evidence to support the jury's verdict, we must review all the evidence in the light most favorable to the jury's verdict and determine whether any rational trier of fact could have found the elements of the offense

beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); *Brooks v. State*, 323 S.W.3d 893, 899, 912 (Tex. Crim. App. 2010). Ledet was charged and convicted of the offense of delivery of a controlled substance. *See* Tex. Health & Safety Code Ann. § 481.112 (West 2010).

Three officers from the Orange County Sheriff's department testified at trial. Officer Tracy Sorge and Officer Jessica Johnnie both testified that on February 26, 2009, while working together undercover, they drove into a known drug area in Orange County and purchased twenty dollars worth of crack cocaine from Ledet. Officer Sorge testified that Ledet approached the driver's side of the vehicle and asked Officer Johnnie what she needed. Johnnie responded that she needed a "twenty," which is commonly known as twenty dollars worth of crack cocaine. According to Sorge and Johnnie, Ledet asked them to pull around the corner. Sorge explained that Ledet went back to a group of people he had been standing with and then came back to the passenger side of the window, displayed the cocaine, and handed it to Sorge. Sorge confirmed that it was crack cocaine, gave Ledet the money, and watched Ledet return to the group. Johnnie's testimony regarding the buy corroborated Sorge's testimony.

Both officers testified that immediately following the transaction, they left the area and radioed the arrest team. According to both officers, the arrest team was given a description of Ledet's location, a physical description of Ledet, as well as a specific description of the clothes he was wearing. Officer Sorge testified that Ledet was arrested

within one to three minutes following the buy. Both officers testified that immediately following the arrest, they returned to the scene and visually identified Ledet as the person who sold them the cocaine. Both officers testified that Ledet was wearing red wind pants, a red shirt over his head, and had a black shirt draped over one shoulder. Both officers testified that none of the other individuals in the area were wearing the same clothes. At trial, both officers identified Ledet as the person who delivered the cocaine. Sorge testified that he was “[a]bsolutely” sure that Ledet “placed the cocaine in [his] hand[.]” Officer Johnnie testified that there was “[n]o doubt” in her mind that Ledet delivered the crack cocaine to Officer Sorge.

Officer Shawn Wilson, a narcotics investigator with the Orange County Sheriff’s Department, also testified for the State. On the night of the offense, Wilson was part of the arrest team. Wilson explained that the arrest team stayed generally a block or two from the location of the undercover officers, in the same general area, so that they could respond in a timely manner once a buy was completed. Wilson testified that Sorge and Johnnie radioed the arrest team and stated their location and that they were about to attempt a buy. Shortly thereafter, the undercover officers advised the arrest team that they had just purchased a twenty dollar rock of suspected crack cocaine. Wilson stated that the undercover officers gave the arrest team the seller’s location and stated that the seller had walked back towards a gold-colored car that was parked at the corner of that

location. Wilson testified Sorge and Johnnie also provided a physical description of the seller and a description of the clothes he was wearing.

Like Sorge, Wilson testified that Ledet was arrested “[b]etween one and three minutes” after the officers radioed the arrest team and confirmed the buy. Wilson testified the arrest team arrived at the location, saw three individuals in the car, and were able to immediately identify Ledet as the described seller. Officer Wilson testified that Ledet was not wearing a shirt and had on red wind pants. The two other individuals in the vehicle were identified as Bobby Cotton and Christopher Washington. No drugs or money were found on Ledet at the time of his arrest. However, cocaine was found on Bobby Cotton and marijuana was found on Christopher Washington.

Ledet testified in his defense at trial. Ledet gave a different version of events than the undercover officers. Ledet testified that on the night of the offense, a group of people were playing basketball in front of his grandmother’s house. Ledet stated that Bobby Cotton was sitting in front of his grandmother’s house and Ledet “flagged him, [and] told him to go on.” Ledet explained that Cotton walked over to the area where Ledet’s car was parked. Ledet stated that he saw the undercover officers drive by and then turn around and come back. According to Ledet, he knew Sorge as an undercover officer and recognized him. Ledet testified that he watched Cotton make a drug transaction with Sorge and then told Cotton he had just sold to an undercover officer. Ledet stated that the officers left the area and he, Cotton, and Washington stayed inside his grandmother’s

house “two to three hours” following the transaction until they got into Ledet’s car to go to the store. According to Ledet, when they got into his car the officers pulled up and placed all three under arrest. Ledet testified that on the night in question he was not wearing the clothes described by the undercover officers, and that he was wearing a black t-shirt at the time of his arrest. Ledet maintained that he did not engage in a drug transaction with the undercover officers.

Determinations about the credibility of each witness and about whether to believe or disbelieve any portion of a witness’s testimony are left to the jury. *Fuentes v. State*, 991 S.W.2d 267, 271 (Tex. Crim. App. 1999); *Sharp v. State*, 707 S.W.2d 611, 614 (Tex. Crim. App. 1986). When a jury is faced with conflicting testimony and returns a verdict of guilty, we presume the jury resolved the conflicts in the testimony in favor of the prosecution. *Turro v. State*, 867 S.W.2d 43, 47 (Tex. Crim. App. 1993). When reviewing the sufficiency of the evidence, we are required to defer to the jury’s credibility and weight determinations. *See Jackson*, 443 U.S. at 319. If any rational trier of fact could have found the elements of the crime beyond a reasonable doubt, we must affirm the jury’s verdict. *Id.*

It was within the province of the jury to either believe the testimony of the officers or the testimony of Ledet. On the record before us, we conclude that a rational jury could find the elements of the charged offense beyond a reasonable doubt. The evidence is

sufficient to support the jury's verdict. We overrule Ledet's sole issue on appeal. Having overruled Ledet's only appellate issue, we affirm the judgment of the trial court.

AFFIRMED.

CHARLES KREGER
Justice

Submitted on August 4, 2011
Opinion Delivered August 24, 2011
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Before Gaultney, Kreger, and Horton, JJ.