

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20050322-CA
v.)	
)	F I L E D
Michael Shakeel Peterson,)	(February 24, 2006)
)	
Defendant and Appellant.)	2006 UT App 65

Second District, Ogden Department, 041903949
The Honorable Parley R. Baldwin

Attorneys: Randall W. Richards, Ogden, for Appellant
Mark L. Shurtleff and Matthew D. Bates, Salt Lake
City, for Appellee

Before Judges Billings, Davis and Thorne.

PER CURIAM:

Michael Shakeel Peterson appeals, arguing that there was insufficient evidence to support his convictions for failure to respond to an officer's signal to stop, and interference with an arresting officer. We affirm.

"A party claiming that the evidence does not support a jury's verdict carries a heavy burden." Von Hake v. Thomas, 705 P.2d 766, 769 (Utah 1985). "To successfully attack the verdict, an appellant must marshal all the evidence supporting the verdict and then demonstrate that, even viewing the evidence in the light most favorable to that verdict, the evidence is insufficient to support it." Id.; see also State v. Shepherd, 1999 UT App 305, ¶25, 989 P.2d 503. "Put differently, a party incurs an obligation to marshal all of the evidence that arguably supports the jury's conclusion. This means that it must marshal 'every scrap' of evidence that supports the jury's finding." Harding v. Bell, 2002 UT 108, ¶19, 57 P.3d 1093 (citations omitted).

Peterson alleges that there were insufficient facts to prove the intent element of the crimes of failure to respond to an officer's signal to stop and interference with an arresting officer. However, in setting forth this claim, Peterson neglects

to marshal several facts that indicate he had the necessary intent. For example, Peterson neglects to state that the police officer who arrested Peterson saw him attempt to dispose of his keys while walking away from the car he was driving. Peterson also omits testimony that he made incriminating statements after his arrest concerning the reason he did not stop for the officer. Finally, Peterson omits the testimony of the arresting officer who testified that he identified himself to Peterson and told Peterson to stop at least three times after Peterson had exited his car. Peterson was required to marshal these facts then explain to the court why the totality of facts were legally insufficient to support his convictions. He has failed to meet this requirement. Because Peterson has failed to marshal the evidence in support of the jury's verdict, we must assume that the jury's verdict was supported by the record.

Accordingly, we affirm.

Judith M. Billings, Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge