

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	Case No. 20080120-CA
)	
v.)	F I L E D
)	(July 30, 2009)
David Daniel Quintana,)	
)	2009 UT App 207
Defendant and Appellant.)	

Second District, Ogden Department, 071900760
The Honorable Michael D. Lyon

Attorneys: Randall W. Richards, Ogden, for Appellant
Mark L. Shurtleff and Joanne C. Slotnik, Salt Lake
City, for Appellee

Before Judges Thorne, Orme, and Davis.

THORNE, Associate Presiding Judge:

David Daniel Quintana appeals from his convictions of distribution of a controlled substance, a first degree felony, see Utah Code Ann. § 58-37-8(1)(a)(ii) (Supp. 2008), and possession of a controlled substance, see id. § 58-37-8(2)(a)(i).¹ Quintana's sole argument on appeal is that the evidence presented to the jury was insufficient to support his convictions. We affirm.

We will not disturb the jury's verdict in a criminal case unless we conclude as a matter of law that the evidence was insufficient to warrant conviction. See State v. Nelson, 2007 UT App 34, ¶ 7, 157 P.3d 329. Thus, "[w]e will reverse only if the evidence is so inconclusive or inherently improbable that reasonable minds must have entertained a reasonable doubt that the defendant committed the crime." Id. ¶ 8 (alteration in original) (internal quotation marks omitted). "[I]f reasonable jurors could have reasonably believed that the elements of [a

¹The degree of each offense was enhanced because each was committed within a drug-free zone. See Utah Code Ann. § 58-37-8(4).

defendant's] crimes were met, the verdict must stand." Id. (internal quotation marks omitted). In evaluating Quintana's insufficiency claims, "we view the evidence and all reasonable inferences drawn therefrom in a light most favorable to the verdict." State v. Honie, 2002 UT 4, ¶ 2, 57 P.3d 977 (internal quotation marks omitted).

Here, the State presented substantial evidence of Quintana's guilt. A confidential informant (the CI) testified that Quintana sold him methamphetamine in a controlled buy, and the jury heard an audio recording made during the buy. The officers who participated in the controlled buy testified that the CI was searched before and after the buy, that the CI was given marked bills, and that the CI then entered Quintana's home and returned without the bills and with a baggie of methamphetamine. The officer who subsequently executed a search warrant of Quintana's home testified that another baggie of methamphetamine was found in Quintana's freezer. This officer also testified that Quintana had surveillance equipment in his home, which in the officer's opinion was indicative of drug distribution. Viewing this evidence and the reasonable inferences drawn therefrom in the light most favorable to the jury's verdict, we conclude that the evidence is more than ample to support Quintana's convictions.

Quintana nevertheless alleges various flaws in the State's evidence and argues that these flaws warrant the reversal of his convictions. Specifically, Quintana argues that there was no fingerprint evidence tying him to the baggie found in his freezer, that officers failed to discover "any other paraphernalia that would be necessary to distribute meth," that the two other adults present in the home upon the execution of the search warrant were not asked by police if the drugs belonged to them, and that Quintana was cooperative with police and truthfully admitted his drug history to them. Quintana also challenges the CI's testimony, arguing that the CI was paid by the police and had a previous criminal record, that there were discrepancies relating to items found on the CI when he was searched before and after the controlled buy, and that no police officer accompanied the CI into Quintana's home to witness the buy in person.

Arguments of this nature go not to the sufficiency of the evidence but, rather, to its credibility and weight, issues that are exclusively within the province of the jury to determine. See, e.g., State v. Martin, 2002 UT 34, ¶ 34, 44 P.3d 805 ("[I]t is the jury, not the court, who 'serves as the exclusive judge of both the credibility of the witness and the weight to be given particular evidence.'" (quoting State v. Workman, 852 P.2d 981, 984 (Utah 1993))). Quintana cross-examined the CI and each of the officers and, thus, had the opportunity to bring each of

these items to the jury's attention. Nevertheless, the jury convicted Quintana of both charges against him.

There is ample evidence to support Quintana's convictions, and we affirm the judgment of the district court.

William A. Thorne Jr.,
Associate Presiding Judge

WE CONCUR:

Gregory K. Orme, Judge

James Z. Davis, Judge