

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

RICHARD PATRICK SPAULDING,)	<u>NOT FOR PUBLICATION</u>
)	
Appellant,)	
)	
v.)	Case No. F-2018-668
)	
THE STATE OF OKLAHOMA,)	
)	
Appellee:)	

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

OCT 31 2019

JOHN D. HADDEN
CLERK

SUMMARY OPINION

LEWIS, PRESIDING JUDGE:

Richard Patrick Spaulding, Appellant, was tried by jury and found guilty of first degree murder, in violation of 21 O.S.Supp.2012, § 701.7(A), in the District Court of Tulsa County, Case No. CF-2017-682. The jury set punishment at life imprisonment. The Honorable William J. Musseman, Jr., District Judge, pronounced judgment and sentence accordingly.¹ Mr. Spaulding appeals in the following proposition of error:

1. The evidence was insufficient to prove beyond a reasonable doubt that Appellant committed the crime of murder in the first degree.

¹ Appellant must serve 85% of his sentence before being eligible for consideration for parole. 22 O.S.Supp.2015, § 13.1(1).

In Proposition One, Appellant argues the evidence was insufficient to support his conviction. We review the trial evidence in the light most favorable to the State to determine whether any rational trier of fact could find the essential elements of the charged crime beyond a reasonable doubt. *Spuehler v. State*, 1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-04. In this inquiry, the Court will not second guess the jury's finding of facts, but rather accepts the reasonable inferences and credibility choices that tend to support the jury's verdict. *Mason v. State*, 2018 OK CR 37, ¶ 13, 433 P.3d 1264, 1269. We conclude that the evidence presented at trial was legally sufficient to support Appellant's conviction for murder. Proposition One is denied.

DECISION

The judgment and sentence is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HON. WILLIAM J. MUSSEMAN, JR., DISTRICT JUDGE**

APPEARANCES AT TRIAL

RICHARD KOLLER
REBECCA NEWMAN
423 S. BOULDER AVE., STE. 300
TULSA, OK 74103
ATTORNEYS FOR DEFENDANT

KENNETH ELMORE
KATY HAMSTRA
ASST. DISTRICT ATTORNEYS
500 S. DENVER AVE., STE. 900
TULSA, OK 742103
ATTORNEYS FOR THE STATE

OPINION BY: LEWIS, P.J.
KUEHN, V.P.J.: Concur
LUMPKIN, P.J.: Concur
HUDSON, J.: Concur
ROWLAND, J.: Concur

APPEARANCES ON APPEAL

RICHARD COUCH
423 S. BOULDER AVE., STE. 300
TULSA, OK 74103
ATTORNEY FOR APPELLANT

MIKE HUNTER
ATTORNEY GENERAL
KEELEY L. MILLER
ASST. ATTORNEY GENERAL
313 N.E. 21ST STREET
OKLAHOMA CITY, OK 73105
ATTORNEYS FOR APPELLEE