

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Friday *the* 14th *day of* February, 2014.

Lisa Alexander, Appellant,

against Record No. 130807
Court of Appeals No. 0126-12-4

Commonwealth of Virginia, Appellee.

Upon an appeal from a
judgment rendered by the Court
of Appeals of Virginia.

Upon consideration of the record, briefs, and argument of counsel, the Court is of opinion that there is no error in the judgment of the Court of Appeals.

Initially, we hold that there is no merit to the procedural bar raised by the Commonwealth. Accordingly, we consider the merits of the issue in this appeal. In doing so, we are guided by well-established principles of appellate review.

Where, as here, the accused moves to strike the Commonwealth's evidence as insufficient as a matter of law to prove the essential elements of an offense as defined in a statute, the trial court, and the appellate courts, must view the evidence, and all reasonable inferences to be drawn therefrom, in the light most favorable to the Commonwealth, the party opposing the motion to strike. Avent v. Commonwealth, 279 Va. 175, 199, 688 S.E.2d 244, 257 (2010). To sustain the motion, the court must find that no reasonable trier of fact could conclude that the evidence could prove beyond a reasonable doubt that the accused committed the

offense. Commonwealth v. McNeal, 282 Va. 16, 20, 710 S.E.2d 733, 735 (2011).

"If there is evidence to support the conviction, the reviewing court is not permitted to substitute its judgment, even if its view of the evidence might differ from the conclusions reached by the finder of fact at the trial." Commonwealth v. Taylor, 256 Va. 514, 518, 506 S.E.2d 312, 314 (1998).

Applying these principles, we conclude upon review of the record that a "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 (1979); accord McNeal, 282 Va. at 22, 710 S.E.2d at 736. Therefore, the Court holds that, as found by the Court of Appeals, the trial court correctly permitted the issue to be submitted to the jury and, thus, did not err in confirming the jury's verdict finding Lisa Alexander guilty of violating Code § 18.2-427.

For these reasons, we will affirm the judgment of the Court of Appeals. The appellant shall pay to the Commonwealth of Virginia two hundred and fifty dollars damages.

This order shall be certified to the Court of Appeals of Virginia and the Circuit Court of Stafford County.

A Copy,

Teste:

John L. Hamington

Clerk