

Affirmed and Opinion filed February 10, 2000.



In The

Fourteenth Court of Appeals

NO. 14-98-01292-CR

ROBERT LEWIS HAMMOND, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 174th District Court
Harris County, Texas
Trial Court Cause No. 791,805**

OPINION

A jury convicted appellant Robert Lewis Hammond of possession of cocaine. Enhanced by two previous convictions, the jury assessed his punishment at confinement for six years. In his sole point of error, Hammond contends that the evidence is insufficient to support his conviction. We disagree.

Two Houston police officers, Vanderberry and Thomas, responded to a citizen's complaint about vagrants in a vacant house. When walking around the house, the officers found one man as he was leaving through the back entrance. Vanderberry detained this man outside while Thomas looked inside the house. Once inside, Thomas found Appellant and ordered him

to step outside with his hands in the air while Thomas finished searching the house. Appellant complied with these instructions.

Vanderberry testified that as Appellant stepped outside the house, he apparently did not see Officer Vanderberry. Instead, he was looking back inside the back door. Then, Appellant, who was only a few feet from the officer, placed his hand in his pocket and threw a metal crack pipe to the ground. Vanderberry retrieved the pipe, which was found to contain 7.4 mg of cocaine.

Appellant does not specify whether his sufficiency of the evidence attack is upon the legal or factual grounds. Appellant merely reasons that because Officer Thomas, who was in the house, did not see him in possession of cocaine, the testimony of Officer Vanderberry, who saw appellant discard the cocaine pipe, was insufficient to prove his guilt.

Whether we examine the evidence “in the light most favorable to the verdict,” *Narvaiz v. State*, 840 S.W.2d 415, 423 (Tex. Crim. App. 1992) (addressing legal sufficiency standard), or without this prism, *Clewis v. State*, 922 S.W.2d 126, 129-30 (Tex. Crim. App. 1996) (addressing factual sufficiency standard), there is ample evidence to support the jury verdict. Any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt, and the jury finding is not so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Appellant’s contention is thus overruled.

The judgment is affirmed.

Sam Robertson
Justice

Judgment rendered and Opinion filed February 10, 2000.

Panel consists of Justices Robertson, Sears, and Cannon.*

Do Not Publish — TEX. R. APP. P. 47.3(b).

* Senior Justices Sam Robertson, Ross A. Sears, and Bill Cannon sitting by assignment.

