

Affirmed and Opinion filed May 3, 2001.



In The

Fourteenth Court of Appeals

NO. 14-98-01365-CR

CORNELIUS RICHARDSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th District Court
Harris County, Texas
Trial Court Cause No. 779,139**

OPINION

The Appellant attacks only the trial court's refusal to grant an instructed verdict of not guilty at his robbery trial. The jury found him guilty, and assessed his punishment at twenty-nine years in the Texas Department of Criminal Justice, Institutional Division.

The standard for reviewing denial of a motion for instructed verdict is whether any rational jury could have found from the evidence in the record (viewed in the light most favorable to the jury's verdict) that the defendant committed each element of the offense as defined by the hypothetically correct jury charge for the offense. *Malik v. State*, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997); *see Cook v. State*, 858 S.W.2d 467, 470 (Tex. Crim. App.

1993). The complainant testified that when he Appellant took her purse, he pushed her, causing her to fall and hurt her back. Other testimony corroborated he pushed her. Ample evidence in the record would support a rational jury's conclusion Appellant robbed her, as the actual jury concluded at trial.

An attack upon a directed verdict does not involve factual sufficiency, and the Appellant does not raise factual sufficiency as a separate point. Still, his argument indicates he is also asking the court to examine the factual sufficiency of the evidence. Even viewing the evidence without the prism of "the light most favorable to the verdict of the jury," the jury's conclusion is not so contrary to the overwhelming evidence as to render the verdict clearly wrong and unjust. We would unjustifiably usurp the jury's assessment of credibility if we agreed with the Appellant that his own testimony overwhelmingly refutes the other witnesses' testimony. *Clewis v. State*, 922 S.W.2d 126, 135 (Tex. Crim. App. 1997).

The Appellant's contentions are overruled, and the Appellant's conviction is affirmed.

/s/ Bill Cannon
Justice

Judgment rendered and Opinion filed May 3, 2001.

Panel consists of Justices Cannon, Sears and Andell.*

Do Not Publish — TEX.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

* Senior Justices Bill Cannon and Ross A. Sears and Former Justice Eric Andell sitting by assignment.