

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Overton and Senior Judge Duff  
Argued at Alexandria, Virginia

ERIK TIANTE JOHNSON

v. Record No. 2498-97-4  
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\* BY  
JUDGE NELSON T. OVERTON  
OCTOBER 6, 1998

FROM THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA  
Alfred D. Swersky, Judge

(Donald R. Allen, on brief), for appellant.  
Appellant submitting on brief.

H. Elizabeth Shaffer, Assistant Attorney  
General (Mark L. Earley, Attorney General, on  
brief), for appellee.

Erik Tiante Johnson (defendant) appeals his conviction for malicious destruction of property in violation of Code § 18.2-137. He contends the evidence was insufficient to support his conviction. Because we hold the evidence was sufficient, we affirm.

The parties are fully conversant with the facts in this case and because this memorandum opinion carries no precedential value, no recitation of the facts is necessary.

When sufficiency of the evidence is challenged on appeal, we review the evidence in the light most favorable to the Commonwealth, granting to it all reasonable inferences fairly deducible therefrom. See Martin v. Commonwealth, 4 Va. App. 438,

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

443, 358 S.E.2d 415, 418 (1987). We will reverse the conviction only if plainly wrong or without evidence to support it. See Higginbotham v. Commonwealth, 216 Va. 349, 352, 218 S.E.2d 534, 537 (1975).

So viewed, the salient facts of this case provide sufficient evidence to support the conviction. Defendant was the victim's unfaithful lover whom she had recently expelled from her apartment. Defendant had threatened the victim on previous occasions and had intimated his desire for revenge. The victim saw him leave work during the time her apartment was entered and her property destroyed. Most importantly, the kind of destruction indicates defendant was the perpetrator: property belonging to the victim was destroyed while items belonging to defendant were either missing or disturbed but not damaged.

Because all the circumstances of this case are consistent with defendant's guilt and inconsistent with his innocence, the evidence was sufficient to support the conviction. See Boothe v. Commonwealth, 4 Va. App. 484, 492, 358 S.E.2d 740, 745 (1987). Accordingly, defendant's conviction is affirmed.

Affirmed.