# VIRGINIA:

***In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 15th day of December, 2016.***

Linda Campbell Blackwell, Appellant,

against Record No. 151821
Court of Appeals No. 1521-14-3

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 the opinion that there is no error in the judgment of the Court of Appeals.

A jury convicted Blackwell on two counts of arson of a dwelling, two counts of larceny by false pretenses, and one count of attempted larceny by false pretenses. The subject fires occurred at Blackwell's home in 2009, 2012 and 2013. The two arson convictions were for the 2012 and 2013 fires. The two larceny by false pretenses convictions were based on her insurance claims arising from the 2009 and 2012 fires, and the attempted larceny by false pretenses conviction was based on her insurance claim arising from the 2013 fire. A panel of the Court of Appeals affirmed these convictions in an unpublished order. On Blackwell's petition for appeal of that judgment to this Court, we granted that part of her petition challenging the sufficiency of the evidence for the arson conviction for the 2012 fire and the larceny by false pretenses convictions related to the 2009 and 2012 fires, but we rejected her evidentiary sufficiency challenge to the arson and attempted larceny by false pretenses convictions arising from the 2013 fire.

Where, as here, a criminal case is appealed on sufficiency grounds, "[a]n appellate court does not ask itself whether *it* believes that the evidence at the trial established guilt beyond a reasonable doubt. Rather, the relevant question is whether *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Vasquez v. Commonwealth*, 291 Va. 232, 248, 781 S.E.2d 920, 929 (2016) (internal citations and quotation marks omitted). In making this determination, we "discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences to be drawn therefrom." *Bowman v. Commonwealth*, 290 Va. 492, 494, 777 S.E.2d 851, 853 (2015) (citation and internal quotation marks omitted).

So viewing the evidence, we conclude that, in addition to the crimes related to the 2013 fire, a rational trier of fact could have also found Blackwell guilty of the crimes for which she was convicted relating to the 2009 and 2012 fires. Blackwell challenges the circumstantial nature of the Commonwealth's evidence and argues it failed to exclude all reasonable hypotheses of her innocence. First, proof of arson "may, and often must, turn on the weight of circumstantial evidence," *Knight v. Commonwealth*, 225 Va. 85, 89, 300 S.E.2d 600, 602 (1983), and as this Court has repeatedly held, "[t]here is no distinction in the law between the weight or value to be given to either direct or circumstantial evidence." *Commonwealth v. Hudson*, 265 Va. 505, 512, 578 S.E.2d 781, 785 (2003). Accordingly, "[c]ircumstantial evidence, if convincing, is entitled to the same weight as direct testimony." *Britt v. Commonwealth*, 276 Va. 569, 573, 667 S.E.2d 763, 765 (2008) (citations omitted),

Second, as to the exclusion of reasonable hypotheses of Blackwell's innocence, this Court recently reiterated that this "principle is not a discrete rule unto itself. The statement that circumstantial evidence must exclude every reasonable theory of innocence is simply another

way of stating that the Commonwealth has the burden of proof beyond a reasonable doubt. Thus, the principle does not add to the burden of proof placed upon the Commonwealth in a criminal case. It merely echoes the standard applicable to every criminal case." *Vasquez*, 291 Va. at 249-50, 781 S.E.2d at 930 (internal citations and quotation marks omitted).

We also note that Blackwell testified in her own behalf and denied any wrongdoing, which the jury rejected. Thus, the jury as fact finder was entitled to infer that Blackwell was "lying to conceal [her] guilt." *Dowden v. Commonwealth*, 260 Va. 459, 469, 536 S.E.2d 437, 442 (2000); *Phan v. Commonwealth*, 258 Va. 506, 511, 521 S.E.2d 282, 284 (1999).

Applying these principles, we hold that, while circumstantial, the evidence of record considered as a whole was sufficient to support the jury's findings that Blackwell committed the crime of arson in relation to the 2012 fire and the crimes of larceny by false pretenses in relation to the 2009 and 2012 fires. *See Henderson v. Commonwealth*, 285 Va. 318, 330, 736 S.E.2d 901, 907 (2013) ("'While no single piece of evidence may be sufficient, the combined force of many concurrent and related circumstances, each insufficient in itself, may lead a reasonable mind irresistibly to a conclusion.'" (quoting *Commonwealth v. Hudson*, 265 Va. 505, 514, 578 S.E.2d 781, 786 (2003))).

For these reasons, we affirm the judgment of the Court of Appeals.

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

A Copy,

Teste: Pat L Harrington

Clerk