

COURT OF APPEALS OF VIRGINIA

Present: Judges Fitzpatrick, Overton and Senior Judge Hodges  
Argued at Salem, Virginia

LILLIE KELLY RICE MATTOX

v. Record No. 1137-95-3

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\* BY  
JUDGE NELSON T. OVERTON  
JULY 2, 1996

FROM THE CIRCUIT COURT OF PITTSYLVANIA COUNTY  
William N. Alexander, II, Judge

Robert Bryan Haskins (Turner, Haskins &  
Whitfield, P.L.C., on brief), for appellant.

Steven A. Witmer, Assistant Attorney General  
(James S. Gilmore, III, Attorney General, on  
brief), for appellee.

Lillie Kelly Rice Mattox was convicted in a bench trial on two counts of fraudulently obtaining public assistance in violation of Code § 63.1-124. On appeal, Mattox contends that the evidence is insufficient to support the convictions. We disagree.

"Intent is the purpose formed in a person's mind which may, and often must, be inferred from the facts and circumstances in a particular case." Sandoval v. Commonwealth, 20 Va. App. 133, 137, 455 S.E.2d 730, 732 (1995); Ridley v. Commonwealth, 219 Va. 834, 836, 252 S.E.2d 313, 314 (1979). The trial judge, as fact finder, specifically found the testimony of the Commonwealth's witness, Ms. Dodd, to be reliable. "The weight which should be

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

given to evidence and whether the testimony of a witness is credible are questions which the fact finder must decide. Bridgeman v. Commonwealth, 3 Va. App. 523, 528, 351 S.E.2d 598, 601 (1986).

Upon review of the record, construing the evidence in the light most favorable to the Commonwealth and granting to it all reasonable inferences fairly deducible therefrom, we cannot say that the ruling below was plainly wrong or unsupported by the evidence.

Accordingly, the convictions are affirmed.

Affirmed.