

STATE V. COFFEY, 1930-NMSC-099, 35 N.M. 204, 292 P. 228 (S. Ct. 1930)

**STATE
vs.
COFFEY**

No. 3516

SUPREME COURT OF NEW MEXICO

1930-NMSC-099, 35 N.M. 204, 292 P. 228

October 14, 1930

Appeal from District Court, Roosevelt County; Hatch, Judge.

R. F. Coffey was convicted of the possession of intoxicating liquor for sale, and he appeals.

SYLLABUS

SYLLABUS BY THE COURT

Contention that evidence of possession of intoxicating liquor for sale was insufficient overruled.

COUNSEL

James A. Hall, of Clovis, for appellant.

M. A. Otero, Jr., Atty. Gen., and E. C. Warfel, Asst. Atty. Gen., for the State.

JUDGES

Watson, J. Bickley, C. J., and Catron, J., concur. Parker and Simms, JJ., did not participate.

AUTHOR: WATSON

OPINION

{*205} {1} OPINION OF THE COURT Appellant was convicted of possession of intoxicating liquor for sale. The only contention made on this appeal is that the evidence does not support the verdict. Possession is not disputed. The evidence that appellant possessed it for sale is circumstantial, but in our judgment fully as strong as in State v.

Chambers, 34 N.M. 208, 279 P. 562. It fully warranted the trial court in submitting the case to the jury and the jury in concluding as it did.

{2} The judgment is affirmed, and the cause will be remanded to the district court for enforcement of it.

{3} It is so ordered.