

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

JAMES HENRY JONES,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12363
Trial Court No. 3AN-14-3484 CR

MEMORANDUM OPINION

No. 6546 — November 22, 2017

Appeal from the Superior Court, Third Judicial District,
Anchorage, Frank A. Pfiffner, Judge.

Appearances: Justin A. Tapp, Denali Law Group, Anchorage,
for the Appellant. A. James Klugman, Assistant District Attor-
ney, Anchorage, and Jahna Lindemuth, Attorney General,
Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Suddock,
Superior Court Judge.*

Judge MANNHEIMER.

James Henry Jones appeals his conviction for first-degree burglary
(burglary of a dwelling), AS 11.46.300(a)(1). Jones contends, on two separate grounds,

* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

that the evidence presented at his trial was legally insufficient to support the jury's guilty verdict.

Jones first argues that the evidence was insufficient because there were inconsistencies in the testimony of the State's witnesses. But when an appellate court evaluates the sufficiency of the evidence to support a guilty verdict in a criminal trial, we must view the evidence (and the inferences that could reasonably be drawn from that evidence) in the light most favorable to upholding the jury's verdict.¹ Under this principle, we must assume that the jury resolved any conflicts in the testimony in a manner consistent with their verdict.

Jones next points out that, according to the State's evidence, he only entered the arctic entry of the home, and not its interior rooms. Jones argues that an arctic entry is not part of a "dwelling" for purposes of the burglary statute, and that the State's evidence was therefore insufficient to prove burglary of a dwelling.

But in *Davis v. State*, 938 P.2d 1076, 1078 (Alaska App. 1997), this Court held that an arctic entry is part of the "premises" of a residence. We based our decision in *Davis* on a number of cases from other states holding that a "dwelling" includes an attached enclosed or screened-in porch. *Ibid.* Based on our decision in *Davis*, we conclude that Jones's unlawful entry into the arctic entry of the home was sufficient to establish that he unlawfully entered a "dwelling".

For these reasons, the judgement of the superior court is AFFIRMED.

¹ See, e.g., *Dorman v. State*, 622 P.2d 448, 453 (Alaska 1981); *Spencer v. State*, 164 P.3d 649, 653 (Alaska App. 2007).