IN THE COURT OF APPEALS 11/14/95

OF THE

STATE OF MISSISSIPPI

NO. 94-KA-00159 COA

RASHEE D. COLLIER

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND

MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. JOHN B. TONEY

COURT FROM WHICH APPEALED: RANKIN COUNTY CIRCUIT COURT

ATTORNEY FOR APPELLANT:

CHRISTOPHER A. TABB

ATTORNEY FOR APPELLEE:

OFFICE OF THE ATTORNEY GENERAL

BY: CHARLES W. MARIS, JR.

DISTRICT ATTORNEY: JOHN KITCHENS

NATURE OF THE CASE: CRIMINAL: ARMED ROBBERY WITH A DEADLY WEAPON

TRIAL COURT DISPOSITION: SENTENCED TO SERVE A TERM OF FORTY YEARS IN

THE CUSTODY OF THE MDOC, PAY COURT COSTS, FEES AND ASSESSMENTS ON OR BEFORE THE NINETIETH DAY FOLLOWING DEFENDANT'S RELEASE FROM CUSTODY

BEFORE THOMAS, P.J., BARBER, AND DIAZ, JJ.

PER CURIAM:

Rashee Collier was convicted of armed robbery of the Merchant and Farmer's Bank in Rankin County. Collier appeals, arguing that the evidence was insufficient, and, alternatively, that the verdict was against the weight of the evidence. Finding no error, we affirm.

Evidence against Collier at trial consisted of the following: (1) positive identification by two employees of the bank; (2) positive identification by two police officers who recognized Collier in photographs taken by bank surveillance cameras (one officer also recognized the vehicle); (3) surveillance camera photos the jury could view to compare to Collier in court; (4) approximately $5, 500 dollars found stuffed in a suitcase in Collier's motel room during his arrest in Chicago; and finally, (5) a full confession given by Collier to law enforcement officers after his arrest. Collier did not testify.

Whether we view Collier's claim in the context of sufficiency or weight of the evidence, the proof overwhelms his argument. *Noe v. State*, 628 So. 2d 1368, 1368 (Miss. 1993); *McClain v. State*, 625 So. 2d 774, 778 (Miss. 1993); *Parker v. State*, 606 So. 2d 1132, 1140 (Miss. 1992); *McFee v. State*, 511 So. 2d 130, 133-34 (Miss. 1987); *Wetz v. State*, 503 So. 2d 803, 807-8 (Miss. 1987); *Groseclose v. State*, 440 So. 2d 297, 300-1 (Miss. 1983).

THE JUDGMENT OF THE CIRCUIT COURT OF RANKIN COUNTY OF CONVICTION OF ARMED ROBBERY AND SENTENCE OF FORTY YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS IS AFFIRMED. COSTS ARE TAXED TO RANKIN COUNTY.

FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.