

**IN THE TENTH JUDICIAL CIRCUIT COURT  
FOR HARDEE, HIGHLANDS, AND  
POLK COUNTY, FLORIDA**

**Case No. CI01-002094-WH  
Appeal No.: DD-78**

**JOHN T. RICHARDSON,**

**Appellant,**

**v.**

**STATE OF FLORIDA,**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Hearing Officer Deborah Wells presiding. The Appellant, John Richardson was found guilty of exhibition of speed or acceleration, in violation of §316.191(1). Appellant seeks review of the judgment. This court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the trial court is affirmed

On March 17, 2001, Appellant and James Campbell, the appellant in Appeal Number DD-77, were stopped in Winter Haven for speeding. After observing both appellants driving next to each other at a high rate of speed, the officer conducted a traffic stop and cited them for racing.

On appeal, Appellant argues that the evidence is insufficient to sustain a conviction for racing. Further, Appellant contends that the evidence is consistent with his claim that though they were speeding, they were lost and following each other in an effort to correct their route. A judgment of conviction comes to the appellate court with a presumption of correctness. Hitchcock v. State, 413 So.2d 741 (Fla. 1982); State v. Clements, 668 So.2d 980, 981 (Fla. 1996). Weight and credibility are solely within the province of the fact finder; the appellate court's only function is to determine sufficiency as a matter of law. State v. Santomaso, 764 So.2d 735 (Fla. 2d DCA 2000); Stewart v. State, 672 So.2d 865 (Fla. 2d DCA 1996); Chaudoin v State, 362 So.2d 398 (Fla. 2d DCA 1978). Conflicts in evidence and questions about witness' credibility will not justify reversal when evidence is legally sufficient to support conviction. Wetherington v. State, 263 So.2d 294 (Fla. 3d DCA 1972). The reviewing court should not substitute its opinion of the facts for that of the trier of fact. Tibbs v. State, 397 So.2d 1170 (Fla. 1981); State v. McIntyre, 393 So.2d 16 (Fla. 2d DCA 1980). After reviewing the record, the Court finds that there was legally sufficient evidence to support a finding of guilt.

For the foregoing reasons, it is ORDERED and ADJUDGED that the judgment and

sentence of the trial court is AFFIRMED.

DONE and ORDERED April 6, 2004.

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**RONALD HERRING**, Chief Judge