

Cite as 2023 Ark. App. 423
ARKANSAS COURT OF APPEALS
DIVISION I
No. CR-22-775

SEAN WOODRUFF

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 27, 2023

APPEAL FROM THE ARKANSAS
COUNTY CIRCUIT COURT,
SOUTHERN DISTRICT
[NO. 01DCR-20-96]

HONORABLE DONNA GALLOWAY,
JUDGE

AFFIRMED

WAYMOND M. BROWN, Judge

Appellant Sean Woodruff was convicted by an Arkansas County Circuit Court jury of first-degree murder and first-degree battery. Each underlying charge had an additional enhancement for employing a firearm as a means of committing the crime. He appeals the second amended sentencing order, which reflects that he was sentenced to an aggregate term of thirty-two years' imprisonment. He argues on appeal that the evidence was insufficient to support his convictions because the State failed to show that he acted purposely. We affirm.

Appellant's jury trial took place March 31–April 1, 2022. Linda Cupples testified that she works dispatch for the Dewitt Police Department, and she was working in that capacity on July 4, 2020. She stated that dispatch first received a call from someone about a person being shot beside the Piggly Wiggly at 11:16 a.m. She said that appellant placed a

call at 11:17 a.m. saying that someone had broken into his home, and he shot him. Appellant also indicated that the person's brother was with him, but the brother got away. She testified that officers were initially dispatched to Piggly Wiggly because that is where the first call came from. She stated that following appellant's 911 call, one officer left Piggly Wiggly and responded to appellant's home, located at 523 South Washington. She said that the other officer from Piggly Wiggly subsequently responded to appellant's residence, too.

Tredavious Minter ("Tre") testified that he knows Dayton London, Johnathan Jones, appellant, and Christian Reeves. He stated that Reeves is his "little brother" and that he found out several years ago that he and appellant are cousins. He said that before everything happened, everyone was friends. He stated that he had gotten a gun from appellant for four hundred dollars in June or July 2020, but he never paid appellant all the money. He said that he subsequently gave the gun to London ("Twink") a couple of days before July 4 because Twink said that he needed it. He testified that he had been calling and texting Twink trying to get the gun back. He stated that Twink called and woke him up the morning of July 4, telling him (Tre) to come outside. He said that when he went outside, Twink pulled up, hopped out of the car, and pulled a gun on him. He stated that they argued back and forth and Twink eventually got back into the car "hitting circles around the little apartments." He said that once Twink made it to the stop sign, Twink started shooting in the air. Tre said that he ended up talking to appellant and that appellant indicated that he had just gotten off the phone with Jones ("John") and wanted to know what was going on. Tre stated that he told appellant what had just taken place and that appellant told him they were "supposed

to be all getting together and talking about the situation.” According to Tre, appellant indicated that “[appellant and John] had talked about it” and had come “to an understanding or whatever, on the phone.” Tre said that he and Reeves subsequently went to appellant’s house. He stated that when he got to appellant’s house, appellant and John were still arguing on the phone. He said that appellant had his gun out when he arrived at appellant’s house but that appellant subsequently put the gun in a cabinet. He testified that it was his understanding that all of them would probably have “an argument or a fight” and then go back to being “cool again.”

Tre testified that when John arrived, he came inside the house first, showed his gun, and stated that he was “protected.” Twink came in right after John, and as soon as Twink saw Tre, an argument ensued. Tre stated that he was trying to ignore Twink and was tapping John on the shoulder to get John’s attention, but John was not listening to him. Tre stated that John was shoving appellant into the living room while Tre and Twink were in the kitchen arguing. He said that at some point, Twink went to where John and appellant were located, and “both of them got [appellant] in a corner, and then it’s like, as soon as they get him in the corner, it just -- a shot went off. Twink fell, you know.” Tre stated that appellant shot Twink in the head after Twink said something to appellant. Tre testified that John took off running to the back door after Twink got shot. He stated that appellant fired three shots at John while he was running. He said that John busted out of the back door. He denied ever seeing John pull his gun out. He stated that after the shooting, he snatched the gun from appellant but then dropped it, grabbed some “money and weed,” and ran out of the

house. He said that he ran into the woods; started removing his clothes; called his mother to come pick him up; left the clothes, money, and weed in the woods; and went and turned himself in to the Dewitt Police Department.

On cross-examination, Tre testified that before the gun incident with him and Twink, they were all friends. He stated that he found out that Twink had sold the gun he loaned to Twink. He said that Twink called him the morning of July 4 inquiring about Tre's attitude about the gun. He stated that Twink showed up with a gun and pulled it on him. After Twink drove off and got to the stop sign, he fired shots in the air. Tre said that he went to appellant's trailer because he thought that they "were supposed to talk about everything." He stated that he thought he and Twink would fight each other. He said that his brother, Jalen Madden, dropped him off at appellant's house. He stated that he did not see appellant remove his gun from the cabinet. He said that Twink and John made it to appellant's house about ten minutes after he had arrived. He stated that they did not knock, they just walked in because the door "was already unlocked." He testified that John showed the gun that was in his waistband as soon as he came through the door. He said that Twink began arguing with him as soon as they saw each other. He stated that it looked like John was shoving appellant trying to separate him and appellant. He said that when Twink went over to appellant and John, "that's when the shooting happened." He stated that appellant did not have anywhere to go because they were "all in there." He testified that there were never any punches thrown and that it was clear that Twink and John were not there for a friendly visit.

On redirect, Tre stated that appellant had called him and indicated that Tre, Twink, and John were going to meet up at appellant's house. He said that he figured he and Twink would fight. He clarified that he had called appellant, not vice versa, and that appellant already knew what had happened between Tre and Twink because John had called appellant. He stated that appellant and John were on the phone with each other when he got to appellant's house.

Reeves testified that he, Tre, and appellant are related and that Twink and John were his friends. He stated that Twink came to where he and Tre were the morning of July 4 and started arguing with Tre. He said that Twink got a gun from the car and pointed it at Tre's head when Tre started walking off. He stated that Twink eventually got back into the car and drove off, and once Twink made it down the street, he "let off like four shots in the air." He said that he and Tre got dropped off at appellant's house and that they just walked into appellant's house when they got there because appellant knew they were coming. He said that John called appellant while they were there and that John and appellant were arguing. He stated that they were not expecting John and Twink to show up. He said that he saw appellant loading a gun and that he subsequently saw the gun in appellant's waistband. He stated that John walked into the house, approached appellant, and began pushing appellant into the corner. He said that Twink and Tre began arguing when Twink walked in. He testified that John was pushing appellant and trying to talk to him at the same time. He said that he saw John's gun sticking out of his pants when he walked into appellant's house. Reeves stated that Twink stopped arguing with Tre and walked over to where John and

appellant were at. He said that Twink and John were trying to shove appellant into the corner, and that is when appellant shot Twink in the head. He testified that Twink got shot almost as soon as he walked over to appellant and John. He stated that John took off running after Twink got shot and that John's gun fell in the process. Reeves stated that appellant shot at John three times as he ran away. He said that he ran out the same door as John and went home.

On cross-examination, Reeves stated that once Twink pulled the gun on Tre, Tre did not say much. He said that Twink fired shots into the air from his car. He stated that after this incident, they left immediately to go to appellant's house. He said that he saw John's gun in his waistband as soon as John came into the house and that the gun was still in John's waistband as John pushed appellant into a corner. He said that appellant did not have anywhere else to go. He stated that Twink stopped arguing with Tre and walked toward appellant.

Christian Chambers testified that he stayed in the car while John and Twink went into appellant's house. He stated that as he was sitting there, he saw John running out of appellant's back door, bleeding from the chest, and signaling for him to follow. He said that he got out of the car and ran with John toward Piggly Wiggly. He said that when John could not run, he carried John to Piggly Wiggly. He stated that he was already on the phone with 911 and that he ran into the store to get help. He said the police and ambulance arrived, and John was taken to the hospital in the ambulance.

On cross-examination, Chambers stated that he was in the car with the victims when they were going to appellant's to talk. He said that he saw the victims get out of the car and go into appellant's house. He denied knowing that John had a gun with him. He opined that the victims did not have "an attitude" when they got out of the car.

Dean Mannis of the Arkansas County Sheriff's Department testified that on July 4, he responded to a call about a gunshot victim at Piggly Wiggly. He stated that a second call came in about another gunshot victim at appellant's address. He stated that he was the first to respond to the second call, and when he arrived, appellant was waving his arms, directing Mannis where to go. He testified that appellant told him the victims tried to rob him, so he shot them. He stated that appellant also told him he did not want the victims to die. He said that Sergeant Hargrove subsequently arrived and that appellant pointed out the second victim's location. Sheriff Mannis stated that Twink was lying on the floor between the living room and the kitchen, and a pistol was lying "probably about a foot maybe, between his hand." He stated that he placed the pistol on the table to secure the scene. He testified that he took pictures of the crime scene.

On cross-examination, Sheriff Mannis stated that appellant stated that "they tried to rob him and that he shot them" but that "he didn't want them to die." He said that appellant was cooperative and did not try to leave while they were there.

Sergeant Sean Hargrove of the Dewitt Police Department testified that he responded to both calls about the shooting victims on July 4. He said that he first went to Piggly Wiggly where John was located, there was a crowd around John, and someone was already applying

pressure to John's chest wound. He said that they called for an ambulance, and it arrived after a while. He stated that a second call came in as they were loading John up, wherein the caller indicated that he had shot two people who had broken into his house to rob him. Sheriff Mannis arrived at appellant's house first but called for backup. He testified that he went to back up Mannis after John was placed inside the ambulance. He said that he saw appellant when he arrived and that appellant was rambling frantically saying that he shot the victims. He said that when they got in the house, appellant commented that Twink "is sucking his last breath" and that he shot the brother, too, before "he dipped out the back." Appellant indicated that he did not know whether the brother was alive. He stated that he subsequently placed appellant in cuffs and detained him and that he subsequently took a phone from appellant.

On cross-examination, Sergeant Hargrove testified that appellant did not try to leave and that appellant was already talking about what happened when Sergeant Hargrove arrived.

Investigator Billy McCraddic of the Arkansas State Police testified that he was involved in processing the crime scene at appellant's house. He said that when he arrived, he began photographing the crime scene from the outside. He stated that he then moved inside and photographed the scene. He took a photo of a 9 mm handgun found next to the steps outside the back door. The photo also showed damage to the back glass door that "looked like it was broken from the inside coming out." He said that he photographed a paper towel found in the trash can in the kitchen that appeared to have blood on it. He

took pictures of a total of four spent shell casings and of a 9 mm handgun found on the coffee table. He said the gun still had a casing in it. McCraddic testified that as he was photographing the scene, Investigator Matthew Tucker was collecting the evidence. He said that he also went to the silver Kia parked outside appellant's home and took photos. He stated that there was a firearm with an extended magazine located in back seat of that vehicle.

On cross-examination, McCraddic stated that the gun found near the steps also had an extended clip on it.

On redirect, McCraddic said that the round found inside the handgun on the coffee table failed to eject. He stated that when a semiautomatic handgun fails to eject, it prevents a fresh round from coming in through the chamber to be fired.

Tucker testified that he was a detective for the Dewitt Police Department on July 4, 2020. He stated that he investigated the shooting at appellant's house and collected the evidence. He said that four shell casings were collected from the scene: two in the living room on the floor, one in the kitchen area, and one in the chamber of the handgun found on the coffee table. He stated that all the handguns taken from the scene were sent to the Arkansas State Crime Laboratory for processing. He said that eight total cell phones were taken from the scene, including seven found inside the Kia. He stated that Sergeant Hargrove provided him with the eighth phone. He testified that he transported the evidence to and from the crime lab.

On cross-examination, Detective Tucker stated that the handgun found on the coffee table had live rounds in the magazine. He testified that the gun found near the steps of

appellant's house and the one found inside the vehicle both had extended clips with live rounds in them.

Dr. Adam Criag, an associate medical examiner at the crime lab, testified that he performed an autopsy on John. He said that a bullet entered John's back to the left side and exited from the upper part of John's chest. He stated that the bullet also went through John's left lung. He opined that the gunshot wound to John's back caused his death. Zachery Elder, a firearm and toolmark examiner at the crime lab, testified that he examined the spent shell casings recovered from the crime scene and that all four casings were fired from the 9 mm pistol found inside appellant's house. Adam Wilson, the digital evidence supervisor at the crime lab, testified that appellant's phone was submitted for examination and that digital files were subsequently retrieved and placed on a disc for the Dewitt Police Department.

Chief Steve Bobo of the Dewitt Police Department testified that he was working in that capacity on July 4 and was involved in investigating the shooting at appellant's house. He also said that he looked at the digital evidence retrieved from appellant's phone and that at about 11:29 a.m. on July 4, appellant messaged Jeremiah Nunez through Facebook Messenger saying, "N tried to run in my shit." He said that a second message was sent about after that saying "Twink is taking his last breath." A third message at 11:30 stated that "John got two in his back." Chief Bobo testified that he found text messages between John and appellant the morning of July 4. John texted appellant at 10:44 a.m. telling appellant to "pop out." He then told appellant that appellant was mad because his "weak ass homeboy got his shit took." John then basically told appellant that if anyone touched Twink, they

knew what was up. Appellant finally responded, saying that the gun “was his [shit]” and that Tre had not paid him for the gun. Appellant then told John that they were trying to “hoe” him because John said that he was not in it. The message continued with appellant saying that he was “finna have ends dumped at [his] bros about [his] shit.” And that they had him “F’d up” because they could “box it out or what eva.” John responded at 10:49 a.m. that he was on his way to appellant’s house by himself, with no gun. Appellant replied “okay,” and John said “bet.” John texted again to let appellant know that he was dropping his kids off, and at 10:55 a.m. John texted appellant that he was there and was pulling up. John texted at 11:08 a.m. telling appellant not to shoot at his mother’s car. Appellant responded that they were “just gone chop it real quick.” In another message, appellant texted someone asking them where they were. That person replied that they were at home. There was also an earlier message appellant sent to someone about a week before the shooting telling them that Twink needed to borrow the person’s gun for about thirty minutes.

Janet Jones testified that both Jones and Twink are her sons. She stated that Twink’s head was about double in size due to the gunshot and that the hospital had to remove portions of his skull. She said that Twink stayed in the hospital from July 4 to about September 15. She testified that Twink has to wear diapers, that he cannot talk, and that he cannot use his right arm. She also stated that Twink cannot understand what is going on around him all the time. She stated that Twink was normal before the shooting.

Appellant moved for a directed verdict at the end of the State’s case on both charges, contending that there was no proof that appellant’s purpose was to commit murder or to

cause serious physical injury. He also challenged the purpose element in the firearm enhancement. The State responded that appellant intentionally pointed a gun at someone's head and pulled the trigger and that he intentionally pointed the gun at someone's back and pulled the trigger. The circuit court denied the motions.

Destiny Chaneyworth testified that she was living with appellant on July 4. She stated that John called appellant on the phone, but she told him to call back because she could not understand what John was saying because he was screaming. She said that John called back about ten minutes later, and she told him not to come to her house because she had a child over there. She testified that she subsequently left because she did not feel safe and that "the kid's health was the only thing [she] was worried about." She said that John, Twink, and Chambers stopped her in the middle of the road after she left and that Twink got out with his hands on his hips and stared at her. She stated that Twink got back inside the car, and they left when she told them she had a child in the car with her. She said that when she arrived back home, the police were already there.

Appellant testified that he was twenty years old at the time of the shooting. He said that a week before the shooting, he sold Tre a gun, and Twink took the gun from Tre. He stated that there were hard feelings because Tre could not get in touch with Twink to get the gun back. Appellant said that Tre called him on July 4 to tell him that Twink had shot at Tre. He said that he did not speak to John when he called but that he called John back to find out "what was going on with Tre and Twink." He stated that John indicated he did not know but that he would find out. He said Tre subsequently came to his house alone. He

testified that John called him back, upset and yelling. He said that he told John that they were “supposed to talk it out, but if [he was] upset, don’t come.” He stated that he could not remember if Reeves was at his house. He said that his gun was initially in the bedroom, but he retrieved it once Chaneyworth called and told him about what had just happened with Twink. He stated that at that point, he was concerned about his and Tre’s safety, so he tried to call John about ten times, but John did not answer. He stated that he did not remember exchanging text messages with John. He said that John and Twink just walked into his house. He testified that as soon as “they barged in, John revealed his handgun and said, I got it on me.” He said the gun was in John’s front waistband. Appellant said that Twink and Tre got face to face and that Twink stated that he had his gun on him also. He stated that Tre was trying to fight Twink, so he attempted to get in between them. He said that is when John pushed him into the living room. He stated that he kept trying to get in between Twink and Tre but that he could not get around John because John was bigger and stronger than he is. He said that John pinned him in the corner and told him to stay out of it because he had nothing to do with it. He stated that Twink then started “advancing towards [him], aggressively.” He testified that he shot Twink before Twink could reach him. He then stated,

After I shot him, he turned around, took two steps and fell over. That’s when I turned to my left and I saw John with his back turned toward me. His back was turned towards me. I thought he was grabbing for his handgun, so I shot at him three times. At the third shot, he burst through the door.

Appellant stated that he was in shock after the shooting. He said that Tre grabbed the gun out his hand and said that they needed to “get out of there.” But he told Tre no and to put the gun down on the table because he was about to call the police. He said that he dialed 911 and told the dispatcher that he wanted “to report a break-in. They tried to rob [him].” He stated that he did not know what else to say. He testified that he shot Twink and John because he was scared and did not know what else to do. He said that he remembered saying on the 911 call that “Twink was taking his last breath” and that he said it because he was “angry and confused.” He stated that following his 911 call, he put paper towels on Twink’s wound because “Twink was bleeding real bad.” He said that when the police arrived, he told them that there had been a “home invasion” and that he had protected himself. He stated that Sergeant Hargrove placed him in handcuffs after he stated that the victims “tried to rob [him] and [he] shot them. [He] shot them both. One got away.” Appellant testified that he shot the victims because he “felt like [he] had nothing else to do. [He] couldn’t beat both of them in a fist fight. [He] couldn’t even beat John in a pushing match.” He said that he was sorry “that it played out the way it did.”

On cross-examination, appellant admitted that there was not a robbery, like he reported to the police. He said that he “felt like there was about to be a robbery.” When he was shown the contents of the messages between him and John, appellant still said that he did not remember any of them. He further stated that Tre or Reeves must have sent the messages, even though he could not recall seeing anyone with his phone. He stated that he was surprised when Twink and John showed up at his house. He said that he picked his

phone up from the table after the “altercation.” He denied that Tre still owed him anything for the gun. Appellant stated that he put his gun in his waistband after John would not answer his calls, “[j]ust in case.” He said that he shot Twink when he was an arm’s length away. Appellant said that John told him it was not about him, but that “Twink was coming at [him] like it was about [him].” He denied that John was running from him after Twink was shot. He said that John was “standing in place” and that he waited a second before shooting John because he did not know what John was doing. He admitted that he shot and killed John. He stated that he shot at John three times and stopped shooting when John burst through the door and took off running. Appellant denied being mad but stated that he punched the wall when he learned what happened with Chaneyworth. He subsequently admitted that he was mad before the victims got to his house. Appellant admitted sending the messages to Nunez but insisted that he was not bragging about shooting the victims but was explaining to Nunez what had happened since Nunez was supposed to come over there with a gun. Appellant said that he had called for Nunez to come to his house because he did not know what was going to happen since John would not answer his phone. He reiterated that he shot the victims because he was scared.

Appellant unsuccessfully renewed his motion for directed verdict at the conclusion of the evidence. The jury found him guilty of the charges against him and found that he was subject to a fifteen-year firearm enhancement for each charge. However, it recommended that the underlying charges and enhancements run concurrently for an aggregate term of thirty years’ imprisonment. The circuit court announced that it would follow the jury’s

recommendation and sentenced appellant to thirty years in the Arkansas Department of Correction (ADC). The original sentencing order was filed on April 13, 2022, reflecting the jury's recommendation that the enhancements run concurrently with the underlying convictions and that appellant be sentenced to an aggregate term of thirty years, which was in contravention of the statute. Pursuant to Arkansas Code Annotated section 16-90-120(a),¹ any person convicted of a felony who employs a firearm as a means of committing the felony may be subjected to an additional period of confinement for a period not to exceed fifteen years. Any additional prison sentence imposed under this section "shall run consecutively and not concurrently with any period of confinement imposed for conviction of the felony itself."² An amended order was filed on May 3 changing the firearm enhancement to two years but still showing that at least one of the enhancements should run concurrently with the underlying charge. The second amended sentencing order filed on May 10 again showed a two-year firearm enhancement but indicated that the enhancements were to run consecutively to the underlying offenses. Appellant was to serve thirty-two years in the ADC.³ Appellant appealed the second amended order in his June 9 notice of appeal.

¹(Supp. 2023).

²Ark. Code Ann. § 16-90-120(b).

³This new sentence was legal, and the circuit court is not constrained from modifying its ruling from the bench. *Montgomery v. State*, 2022 Ark. App. 329, 653 S.W.3d 21.

He argues that the circuit court erred by failing to grant his directed-verdict motions. We treat a motion for a directed verdict as a challenge to the sufficiency of the evidence.⁴ In reviewing a sufficiency challenge, we assess the evidence in the light most favorable to the State and consider only the evidence that supports the verdict.⁵ We will affirm a judgment of conviction if substantial evidence exists to support it.⁶ Substantial evidence is evidence that is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other without resorting to speculation or conjecture.⁷ Circumstantial evidence may provide a basis to support a conviction, but it must be consistent with the defendant's guilt and inconsistent with any other reasonable conclusion.⁸ Whether the evidence excludes every other hypothesis is left to the jury to decide.⁹ Further, the credibility of witnesses is an issue for the jury, not the court; the trier of fact is free to believe all or part of any witness's testimony and may resolve questions of conflicting testimony and inconsistent evidence.¹⁰

⁴*Armstrong v. State*, 2020 Ark. 309, 607 S.W.3d 491.

⁵*Id.*

⁶*Id.*

⁷*Id.*

⁸*Collins v. State*, 2021 Ark. 35, 617 S.W.3d 701.

⁹*Id.*

¹⁰*Armstrong, supra.*

Pursuant to Arkansas Code Annotated section 5-10-102(a)(2),¹¹ a person commits murder in the first degree if, “[w]ith a purpose of causing the death of another person, the person causes the death of another person.” A person acts purposely with respect to his or her conduct or a result of his or her conduct when it is the person’s conscious object to engage in conduct of that nature or to cause the result.¹² The supreme court has held that the purpose to commit a crime can be formed in an instant.¹³ Intent is seldom capable of proof by direct evidence and must usually be inferred from the circumstances surrounding the killing.¹⁴ The intent necessary for first-degree murder may be inferred from the type of weapon used; the manner of its use; and the nature, extent, and location of the wounds.¹⁵

Appellant concedes that he shot John; however, he contends that the evidence was insufficient to support his conviction for first-degree murder because the State failed to show that he did so purposely. This argument is without merit. The evidence shows that appellant and John had argued over the phone before John and Twink showed up at appellant’s home. Additionally, appellant had gotten a call from Chaneyworth informing appellant about the encounter she had just had with Twink, which made appellant angry enough to punch the

¹¹(Supp. 2023).

¹²Ark. Code Ann. § 5-2-202(1) (Repl. 2013).

¹³*Collins, supra.*

¹⁴*Id.*

¹⁵*Id.*

wall. Before the victims arrived at appellant's house, he made a call to Nunez asking him to come over and bring a gun, but Nunez did not show up. Appellant was also seen loading his gun and placing it in his waistband before the victims arrived. Appellant denied knowing the victims were coming over, but Tre testified that the victims were supposed to come to appellant's house so that all of them could talk. Text messages between appellant and John also verified this. When John entered appellant's house, he had a gun in his waistband, but he never pulled it out. Appellant tried to get between Tre and Twink while they were arguing, and John pushed appellant away from them. When Twink stopped arguing with Tre and started walking toward John and appellant, appellant shot him in the head from an arm's length away. John turned to run out the door, and appellant shot at him three times until a round failed to eject, striking John once in the back. The bullet pierced John's left lung and exited through his chest. John subsequently died from his injuries. Following the shooting, appellant messaged Nunez telling him that John and Twink tried to run inside his house; that Twink was taking his last breath; and that John was shot twice in the back. Appellant told dispatch and the responding officers that the victims tried to rob him, but he admitted at trial that there was no robbery. Viewing the evidence in the light most favorable to the State, we hold that there was sufficient evidence to support appellant's conviction for first-degree murder based on purposeful intent. Accordingly, we affirm.

As charged in this case, a person commits battery in the first degree if, with the purpose of causing physical injury to another person, the person causes physical injury to

any person by means of a firearm.¹⁶ A person acts purposely with respect to his or her conduct or a result of his or her conduct when it is the person's conscious object to engage in conduct of that nature or to cause the result.¹⁷

Appellant also concedes that he shot Twink; however, he contends that the evidence was insufficient to support his conviction for first-degree battery because the State failed to show that he did so purposely. Appellant shot Twink at close range in the head as Twink approached appellant and John. Although Twink did not die, he suffers from physical limitations because of the shooting. The same facts that support appellant's conviction for first-degree murder based on purposeful intent also supports his conviction for first-degree battery.

Affirmed.

HARRISON, C.J., and KLAPPENBACH, J., agree.

Potts Law Office, by: Gary W. Potts, for appellant.

Tim Griffin, Att'y Gen., by: Michael Zangari, Ass't Att'y Gen., for appellee.

¹⁶Ark. Code Ann. § 5-13-201(a)(8) (Supp. 2023).

¹⁷Ark. Code Ann. § 5-2-202(1).