

DIVISION II

CACR06-0952

December 5, 2007

STACY R. KING  
APPELLANT

v.

STATE OF ARKANSAS  
APPELLEE

AN APPEAL FROM THE UNION  
COUNTY CIRCUIT COURT  
[CR-05-249-1]

HONORABLE HAMILTON HOBBS  
SINGLETON, JUDGE

AFFIRMED

A Union County jury found appellant Stacy King guilty of committing three counts of delivery of a controlled substance, cocaine. He was sentenced to serve 180 years in prison and ordered to pay \$25,000 in fines for each count. On appeal, King challenges the sufficiency of the evidence supporting his convictions. We affirm.

In December 2004, the El Dorado Police Department used a cooperating individual, Charles Robinson, to make three controlled cocaine buys from King. The buys occurred on December 7, 10, and 20. Prior to each buy, the officers photocopied the buy money, searched Robinson and his vehicle, and fitted Robinson with audio and video surveillance equipment. After each buy, Robinson met the officers, turned over his purchase, and recounted what occurred during the buy.

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At King's trial, Robinson identified King as the person who sold him cocaine on each of the three occasions. Randy Connelly, an officer with the El Dorado Police Department, testified that, following each buy, the surveillance equipment was secured and the video of the buy was downloaded onto a CDR and edited to depict only what transpired during the drug transaction. He stated that the video and audio corroborated and verified what Robinson said had occurred during each buy. A DVD depicting the condensed version of each buy was introduced into evidence. Connelly testified that the DVD reasonably depicted what was on the long version of the videos.

At the close of the State's case, King moved for directed verdict challenging the sufficiency of the evidence to support the charges. He argued that the video failed to depict an exchange of drugs and money. The trial court denied King's motion and King renewed his motion at the close of his case. The trial court again denied the motion and King was convicted and sentenced. King now argues that the trial court erred when it denied his motion for directed verdict.

A motion for directed verdict is a challenge to the sufficiency of the evidence. *Wingfield v. State*, 363 Ark. 380, 214 S.W.3d 843 (2005). On appeal from the denial of a motion for directed verdict, the sufficiency of the evidence is tested to determine whether the verdict is supported by substantial evidence, direct or circumstantial. *Hutcheson v. State*, 92 Ark. App. 307, 213 S.W.3d 25 (2005). Circumstantial evidence may provide the basis for support of the appellant's conviction, but it must be consistent with the appellant's guilt and inconsistent with any other reasonable conclusion. *Id.* Substantial evidence is that which

is forceful enough to compel reasonable minds to reach a conclusion one way or the other and permits the trier of fact to reach a conclusion without having to resort to speculation and conjecture. *Dodson v. State*, 358 Ark. 372, 191 S.W.3d 511 (2004). This court considers only the evidence supporting the guilty verdict, and the evidence is viewed in the light most favorable to the State. *Hutcheson, supra*.

On appeal, King challenges Robinson's and Connelly's credibility. This argument is not preserved for appeal because King failed to raise it at trial. We do not consider arguments raised for the first time on appeal, and a party is bound on appeal by the nature and scope of the objections and arguments presented at trial. *Thomas v. State*, 92 Ark. App. 425, 214 S.W.3d 863 (2005).

Even if we were to address King's argument, we would affirm because it is the job of the jury, as fact finder, to weigh inconsistent evidence and to make determinations in credibility. *Brown v. State*, 95 Ark. App. 348, 195 S.W.3d 370 (2006). Here, the jury properly reviewed the testimony of Robinson and Connelly and found it credible. When the testimony is considered, along with the video of the transactions, it is clear that the jury did not have to resort to speculation and conjecture to find King guilty. Therefore, we affirm.

Affirmed.

MARSHALL and VAUGHT, JJ., agree.