

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
WENDELL L. GRIFFEN, JUDGE

DIVISION III

CACR07-1243

May 7, 2008

NORMAN ADAMS  
APPELLANT

AN APPEAL FROM PULASKI  
COUNTY CIRCUIT COURT  
[CR2007-332]

V.

HON. JOHN LANGSTON, JUDGE

STATE OF ARKANSAS  
APPELLEE

AFFIRMED

On July 20, 2007, a Pulaski County judge found Norman Adams guilty of residential burglary and theft of property. Appellant challenges the sufficiency of the evidence to support the convictions, contending that the State presented insufficient proof that he ever entered the victims' home. We affirm, holding that evidence of his fingerprint found on a DVD case inside the victims' residence was substantial evidence that he entered the victims' residence.

On February 13, 2006, Nicole Glover and Timothy Barlow returned from a trip and discovered that someone had broken into their home. The burglar obtained entry by breaking a window in the rear of the home and left through the front door. Among the items missing were furniture, the TV, a DVD player, DVDs, a VCR, an X-Box, two guitars, amps, groceries, and dishes. The burglar took the DVDs and left the cases. Fingerprints were lifted from the scene, and appellant's prints were found on one of the DVD cases. Other fingerprints were found, but police were unable to match those to any suspect. According to testimony from Glover and Barlow, the DVDs were wrapped in cellophane when they were

purchased and opened at home.

At the conclusion of the State's case, appellant moved for directed verdict, arguing that the fingerprint was insufficient to support that he entered Glover and Barlow's residence. He further emphasized the other fingerprints found in the home that did not belong to him. The court denied the motion, and appellant rested without presenting a case. After closing arguments, the court found appellant guilty of residential burglary and theft of property, for which he was sentenced to two concurrent ten-year terms in the Arkansas Department of Correction.

The sole issue is whether the State presented sufficient evidence of appellant's identity. He contends that the fingerprint found on the DVD case, without other corroborating evidence, was insufficient evidence that he broke into Glover and Barlow's home.

When a defendant makes a challenge to sufficiency of the evidence on appeal, the appellate court views the evidence in the light most favorable to the State. *Baughman v. State*, 353 Ark. 1, 110 S.W.3d 740 (2003). The test for determining sufficiency of the evidence is whether the verdict is supported by substantial evidence. *Id.* Substantial evidence is evidence forceful enough to compel a conclusion one way or the other beyond suspicion or conjecture. *Id.* Only evidence supporting the verdict will be considered. *Hicks v. State*, 327 Ark. 652, 941 S.W.2d 387 (1997). The conviction will be affirmed if there is substantial evidence to support it. *Id.* Circumstantial evidence provides the basis to support a conviction if it is consistent with the defendant's guilt and inconsistent with any other reasonable conclusion. *Von Holt v. State*, 85 Ark. App. 308, 151 S.W.3d 1 (2004). Whether the evidence does so is a question for the trier of fact. *Id.* It is essential to every case that the accused be shown as the one who committed the crime; however, that connection can be inferred from all the facts and circumstances of the case. *Williams v. State*, 308 Ark. 620, 825 S.W.2d 826 (1992).

Appellant relies on *Standridge v. State*, 310 Ark. 408, 837 S.W.2d 447 (1992), in support of his argument for reversal. There, the appellant was charged with manufacturing marijuana. To connect the appellant to the marijuana, the State introduced a plastic cup with the appellant's fingerprint, which was found beside a tent that was six to fifteen feet from the plants. The supreme court reversed, holding that the evidence of the "easily movable plastic cup" was insufficient to conclude that the appellant was at the crime scene. *Id.* at 410, 837 S.W.2d at 448.

*Standridge* is distinguishable from the instant case. There, the appellant's fingerprint was found on a non-unique item that could have been where it was found for any number of reasons. Here, police found a fingerprint on a DVD case that was inside the victims' residence. The DVD case was originally wrapped in cellophane, and Barlow testified that he removed the cellophane at the residence. Therefore, the only way that the fingerprint could have gotten on the DVD case was for appellant to have entered the residence and touched the case. In addition, our supreme court has affirmed convictions where the only evidence presented was a fingerprint found inside the building. *See Brown v. State*, 310 Ark. 427, 837 S.W.2d 457 (1992) (prints found inside the broken glass door when the burglar gained entry); *Howard v. State*, 286 Ark. 479, 695 S.W.2d 375 (1985) (prints found on the glass rim of a wall inside the store); *Ebsen v. State*, 249 Ark. 477, 459 S.W.2d 548 (1970) (prints found on large piece of broken glass inside the building).

The fingerprint found on the DVD case was sufficient evidence that appellant entered the residence. Accordingly, we affirm.

GLADWIN and BAKER, JJ., agree.