

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION III

CACR07-184

November 28, 2007

THOMAS J. BASS

APPELLANT

APPEAL FROM DREW COUNTY
CIRCUIT COURT [NO. CR-2006-15-1]

V.

HON. SAM POPE,
JUDGE

STATE OF ARKANSAS

APPELLEE

AFFIRMED

Appellant Thomas J. Bass was convicted of three counts of aggravated robbery. On appeal, he concedes that he committed the robberies, but argues that the evidence is insufficient to show that they were aggravated because he made no threats and merely kept one hand in his coat pocket. We affirm.

A person commits the offense of aggravated robbery if he commits robbery as defined in Ark. Code Ann. § 5-12-102 and he is armed with a deadly weapon or represents by word or conduct that he is so armed. Ark. Code Ann. § 5-12-103(a)(1) and (2) (Repl. 2006). The test for determining sufficiency of the evidence is whether substantial evidence, direct or circumstantial, supports the verdict. *Hall v. State*, 361 Ark. 379, 206 S.W.3d 830 (2005). Substantial evidence is evidence of sufficient certainty and precision to compel a conclusion

one way or another and pass beyond mere suspicion or conjecture. *Id.* On appeal, we review the evidence in the light most favorable to the State and consider only the evidence that supports the verdict. *Id.*

Here, there was substantial evidence that appellant pointed his jacket at the victims with his hand in his pocket and demanded that they open their cash registers. All three of the clerks thought that appellant had a gun. Pointing a jacket at a clerk in a manner insinuating that one has a gun is a sufficient representation that a person is armed under the aggravated robbery statute when this conduct causes the victim to reasonably believe that the person is armed. *Edwards v. State*, 360 Ark. 413, 201 S.W.3d 909 (2005).

Affirmed.

GRIFFEN and MARSHALL, JJ., agree.