

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR10-1306

JAKITA SEALINE MURPHY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered OCTOBER 12, 2011

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT, FIRST
DIVISION
[NO. CR-2009-3299]

HONORABLE MARION A.
HUMPHREY, JUDGE

AFFIRMED

JOSEPHINE LINKER HART, Judge

Jakita Sealine Murphy appeals from her conviction for first-degree murder in the death of her boyfriend, Bobbie Poindexter. A person commits first-degree murder if, with the purpose of causing the death of another person, the person causes the death of another person. Ark. Code Ann. § 5-10-102(a)(2) (Repl. 2006). On appeal, she argues that there is not substantial evidence to support the conviction. We will affirm a conviction if—viewing the evidence in the light most favorable to the State and considering only the evidence that tends to support the verdict—it is supported by substantial evidence, direct or circumstantial. *Simpkins v. State*, 2010 Ark. App. 723. Specifically, Murphy asserts that there is not substantial evidence that she purposely killed Poindexter. 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.” Ark. Code Ann. § 5-2-202(1) (Repl.

2006). Because there is substantial evidence that Murphy acted purposely, we affirm.

Murphy testified on her own behalf about Poindexter's death. She testified that in the early morning hours of July 5, 2009, she awoke to find that Poindexter had left in her SUV. She called him and told him to bring the vehicle back. She wanted the vehicle back because it had no tags, the transmission was damaged, and Poindexter did not have a driver's license. She went back to sleep but was awakened by a passing storm. She called and spoke to him again, and he told her he was coming back. An hour passed, but he still did not return. Because the lights had gone out, she awaited his return outside the home with her niece, Kalyn Lewis.

When Poindexter returned, he had a shirt wrapped around his head, and Murphy thought he was high. She testified that she was upset and screaming at him for taking the SUV. They all entered the vehicle, and she and Poindexter continued to argue. Poindexter struck her in the face. Poindexter told her to stop, and they all exited the vehicle. She and Poindexter again argued, and he again struck her. She testified that she was even more upset.

Murphy told Kalyn to get in the vehicle, and she drove off. She made it to a stop light, where she got out of the vehicle and threw Poindexter's clothes out of the vehicle. She then made a U-turn and went back in the direction from which she had come. According to her, she was attempting to find her cell phone when the SUV veered and struck Poindexter. She continued to drive, but ultimately stopped, checked on Kalyn, and made another U-turn and returned to the scene, where she exited the SUV. Poindexter's body had been thrown over a fence by the impact, and he was dead. She entered the vehicle, drove to where she had

thrown out the clothes, and picked them up and put them back in the vehicle. She made another U-turn and returned.

State's witness James Williams, an Entergy employee who witnessed the incident, testified that Murphy aimed the vehicle at Poindexter, making a "beeline," angling toward Poindexter, who was on the shoulder. Williams testified that Murphy neither braked nor slowed and instead had sped up. After hitting Poindexter and catapulting him into the air, Murphy turned sharply to straighten up. State's witness Kalyn Lewis, Murphy's niece, testified that Murphy drove straight toward Poindexter. She further testified that it was not an accident.

Murphy argues on appeal that there is not substantial evidence that she acted purposely. A criminal defendant's intent or state of mind is seldom capable of proof by direct evidence and must usually be inferred from the circumstances of the crime. *Simpkins, supra*. Because of the difficulty in ascertaining a defendant's intent or state of mind, a presumption exists that a person intends the natural and probable consequences of his acts. *Id.*

Here, Murphy herself testified that she was upset with Poindexter. Williams, who witnessed the incident, testified that Murphy aimed the vehicle at Poindexter, who was on the shoulder, hit him, and then straightened her vehicle, all without braking or slowing and instead accelerating. Murphy's niece testified that it was not an accident. This constitutes substantial evidence of purposeful conduct because the fact-finder could infer from it that Murphy's conscious object was to cause Poindexter's death. While Murphy asserts that she loved Poindexter and that there was evidence indicating that it was an accident, the weight

of the evidence and credibility of the witnesses are matters for the fact-finder, who is free to believe all or part of a witness's testimony and may resolve all questions of conflicting testimony and inconsistent evidence. *Id.* Accordingly, we affirm.

Affirmed.

PITTMAN and ROBBINS, JJ., agree.