Cite as 2012 Ark. App. 302

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR11-809

	Opinion Delivered May 2, 2012
DETRICE DENISE WHITE APPELLANT	APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, FIFTH DIVISION
V.	[NO. CR-2009-3463]
	HONORABLE WENDELL L. GRIFFEN, JUDGE
STATE OF ARKANSAS APPELLEE	
	AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant was found guilty at a bench trial of aggravated assault and first-degree criminal mischief, for which she was placed on supervised probation for a period of four years. The issues on appeal are limited to the criminal-mischief conviction: first, whether it is supported by substantial evidence; and second, whether the trial court erred in admitting two receipts into evidence over appellant's hearsay objections. We affirm.

When reviewing the sufficiency of the evidence to support a criminal conviction, we view the evidence in the light most favorable to the State, considering only the evidence that supports the finding of guilt. *Jester v. State*, 367 Ark. 249, 239 S.W.3d 484 (2006). We will affirm if substantial evidence exists to support it. *Id.* Substantial evidence is that which 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. *Holt v. State*, 104 Ark. App.

198, 290 S.W.3d 21 (2008). A person is guilty of criminal mischief in the first degree if he purposely and without legal justification destroys or causes damage to any property of another. Ark. Code Ann. § 5-38-203(a)(1) (Repl. 2006). At the time of the offense in this case, first-degree criminal mischief was punishable as a Class C felony if the amount of the actual damage was $500 or more. Ark. Code Ann. § 5-38-203(b)(1) (Repl. 2006).[1] Appellant's substantial-evidence argument centers on whether the State proved that the amount of the damage was at least $500.

Viewed in the light most favorable to the State, the record shows that the victim paid $2,495 for a 2003 Chevrolet Cavalier with over 90,000 miles on the odometer in February 2009 and that, approximately three weeks after the car was purchased, appellant rammed it several times with an SUV, damaging several body panels and later smashing the windshield. The victim spent $183 dollars to repair the windshield alone and testified that the car was so mechanically damaged by the collision that it never ran properly again. Consequently, soon after the events the victim sold the damaged vehicle for $200. The truth of the victim's testimony is a matter of credibility rather than evidentiary sufficiency, and, on this record, we hold that there is substantial evidence of damages in excess of $500.

Appellant also argues that the two receipts constituted hearsay and were erroneously admitted into evidence. The decision to admit or exclude evidence is within the sound discretion of the circuit court, and we will not reverse a circuit court's decision regarding the

[1]Act 570 of 2011 substantially changed the amounts of damage required for the various degrees of this offense. See the Arkansas Code Revision Commission's notes to Ark. Code Ann. § 5-38-203 (Supp. 2011).

admission of evidence absent a manifest abuse of discretion. *Pace v. State*, 2010 Ark. App. 491. Hearsay is defined as a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. Ark. R. Evid. 801. Hearsay is inadmissible except as provided by law or by the Arkansas Rules of Evidence. Ark. R. Evid. 802.

It is true that two receipts were introduced into evidence—one for the purchase of the Cavalier and another for repairs to the victim's windshield—and that these receipts were not prepared by the victim. Nevertheless, the victim independently testified as to both figures without objection, and we have said many times that we will not reverse for the erroneous admission of evidence that was merely cumulative. *See, e.g.*, *Garcia v. State*, 2011 Ark. App. 340. This is especially so where the trial was before the court with a jury waived. *Williams v. State*, 270 Ark. 513, 606 S.W.2d 75 (1980).

Affirmed.

ABRAMSON and BROWN, JJ., agree.