

Cite as 2018 Ark. 343
SUPREME COURT OF ARKANSAS
No. CR-18-15

CHRIS ANTHONY ARNOLD
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered: December 6, 2018

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. 60CR-17-534]

HONORABLE HERBERT WRIGHT,
JUDGE

AFFIRMED.

JOHN DAN KEMP, Chief Justice

Appellant Chris Arnold appeals an order of the Pulaski County Circuit Court convicting him of the first-degree murder of eighty-five-year-old Maureen Jones (“Maureen”) and sentencing him to a term of life imprisonment.¹ For reversal, Arnold argues that the circuit court erred in denying his motion for directed verdict because substantial evidence did not support the jury’s verdict that he committed the offense. We affirm.

I. *Facts*

Pauline Arnold (“Pauline”), Arnold’s mother and Maureen’s friend, regularly attended a bible study at Indianhead Baptist Church in Sherwood on Wednesday nights. Pauline stated that she and Maureen sat together at the bible study on Wednesday, November 30, 2016, and then Maureen headed home. The next morning, Pauline received

¹ For clarity, we refer to the victim and some witnesses by their first names.

a call from Lois Olsen (“Lois”), the church secretary, because Maureen had not attended a church breakfast meeting. Pauline proceeded to Maureen’s home to check on her. When Pauline arrived at the residence, she entered through an unlocked back door and found Maureen in the hallway lying face down and partially clothed with a feminine-hygiene pad between her legs. Pauline stated that Maureen’s body felt cold, and she called 911. Lois and Gary Brewer (“Gary”) also entered the home. Pauline and Gary covered Maureen with a blanket because “she [wasn’t] decent.”

Officers from the Sherwood Police Department were dispatched to the victim’s home to investigate a homicide. Detective Kisha Slaton testified at a pretrial hearing that Pauline stated, “Well, my son was just over here [at the house fishing] last night, and he didn’t say there was anything wrong with her.” Detective Slaton asked Pauline to call Arnold and then told Arnold to meet the officers at the police department for an interview. Emergency personnel later arrived and pronounced Maureen dead at the scene. Officers observed bruising, blood, and possible trauma to Maureen’s face. A dark-colored scarf was tied around her neck, and her undergarments were found lying approximately five feet away. Officers also noticed a chemical odor consistent with bleach. They retrieved an off-white piece of a latex glove and a small blue piece of plastic and sent the two objects to the Arkansas State Crime Laboratory for testing. An autopsy revealed that Maureen’s cause of death was ligature strangulation. Subsequent testing revealed that Arnold’s DNA was present on both of Maureen’s hands. Tests also confirmed the presence of Arnold’s DNA on the pieces of latex glove and plastic.

Detective Slaton and Detective Frank Spence interviewed Arnold at the Sherwood Police Department. In a statement to police, Arnold related that Maureen had allowed him to use her flat-bottomed boat and that he had been fishing at her house on the night of the murder. Arnold stated that he had seen Maureen feed her cats and then fall down the back-porch steps. He also stated that her face was bleeding and that he picked her up, carried her onto the porch, and placed her in front of a chair so that she could sit down. He claimed that Maureen slapped him and said, “[Y]ou don’t need to do this. I don’t need help[.]” According to Arnold, Maureen walked into the house and began arguing with someone. He told the officer, “[S]he was arguing with somebody, I don’t know who the hell it was. But I told Maureen I was getting the hell out of there because she was getting cranky.”

On February 13, 2017, the State filed a felony information charging Arnold with one count of capital murder for Maureen’s death. Following a two-day jury trial in September 2017, the jury convicted Arnold of the lesser-included offense of first-degree murder and sentenced him to a term of life imprisonment in the Arkansas Department of Correction. He timely filed his notice of appeal.

II. *Sufficiency of the Evidence*

Arnold’s sole point on appeal is that the circuit court erred in denying his motion for directed verdict. Specifically, Arnold does not dispute the elements of the first-degree-murder offense, as defined in Arkansas Code Annotated section 5-10-102(a)(2) (Supp. 2017). He challenges the sufficiency of the DNA evidence that was used to prove his

identity as the person who purposely caused Maureen's death. He concedes that he was at Maureen's home on the night of the murder but contends that the State's evidence was purely circumstantial because his DNA was only on the victim's hands and on the two objects found at the scene--a portion of a latex glove and a piece of plastic.

An appeal from the denial of a motion for a directed verdict is treated as a challenge to the sufficiency of the evidence. *Taffner v. State*, 2018 Ark. 99, 541 S.W.3d 430. In reviewing a challenge to the sufficiency of the evidence, we determine whether the verdict is supported by substantial evidence. *Howard v. State*, 2016 Ark. 434, 506 S.W.3d 843. Substantial evidence is evidence that 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. *Id.* In reviewing a sufficiency challenge, we view the evidence in the light most favorable to the State, considering only evidence that supports the verdict. *Id.*

This court makes no distinction between circumstantial and direct evidence when reviewing for sufficiency of the evidence. *Williams v. State*, 338 Ark. 97, 991 S.W.2d 565 (1999). Circumstantial evidence may provide a basis to support a conviction, but it must be consistent with the defendant's guilt and inconsistent with any other reasonable conclusion. *Moore v. State*, 372 Ark. 579, 279 S.W.3d 69 (2008). Whether the evidence excludes every other hypothesis is left for the jury to decide. *Id.* Further, this court has consistently accepted DNA evidence as proof of guilt. *Engram v. State*, 341 Ark. 196, 15 S.W.3d 678 (2000).

In the case at bar, Pauline testified at trial that her son told her that he had picked up Maureen and helped her into the living room. Arnold asserts that “[t]his innocent explanation [explains] how the defendant’s DNA was present on the victim’s person” but that it does not exclude “every other reasonable hypothesis than that of the guilt of the accused.” He further contends that his DNA found on the glove and the plastic piece does not establish the time that his DNA was left on the objects.

On this issue, the jury also heard testimony from Jennifer Beaty, the DNA supervisor of the DNA section of the Arkansas State Crime Laboratory. Beaty testified that DNA found on Maureen’s left and right hands was consistent with the DNA profile obtained from Arnold. Beaty also testified that she obtained a single-source DNA profile on the latex glove belonging to Arnold. She further stated that her testing on the blue piece of plastic revealed a DNA mixture consistent with both Maureen’s and Arnold’s DNA.²

This court has stated that it is the jury’s responsibility to assess the credibility of the witnesses and to resolve any conflicts or inconsistencies in the evidence. *Williams v. State*, 2011 Ark. 432, 385 S.W.3d 157. The jury alone determines what weight to give the evidence and may reject it or accept all or any part of it that the jury believes to be true. *Williams v. State*, 347 Ark. 728, 67 S.W.3d 548 (2002). Here, the jury weighed the

² Beaty also testified that the tests on the Maureen’s vaginal swabs were “all consistent with the DNA that was extracted from Maureen Jones” and that she did not discern foreign male DNA from the rectal swabs. Beaty did state that the tape lifts from the victim’s underwear and pants contained DNA consistent with “more than one male,” including Arnold.

testimony of the witnesses and resolved any conflicts or inconsistencies presented. Viewing the evidence in the light most favorable to the State, we hold that the evidence presented at trial was sufficient to sustain Arnold's first-degree murder conviction. Accordingly, we affirm.

VI. *Rule 4-3(i)*

In compliance with Arkansas Supreme Court Rule 4-3(i), the record has been examined for all objections, motions, and requests made by either party that were decided adversely to appellant, and no prejudicial error has been found.

Affirmed.

William R. Simpson, Jr., Public Defender, by: *Clint Miller*, Dep. Public Defender, for appellant.

Leslie Rutledge, Att'y Gen., by: *Jason Michael Johnson*, Ass't Att'y Gen., for appellee.