

SUPREME COURT OF ARKANSAS

Wilson v. State

2017 Ark. 217 (2017) · No. CR-16-1062 · Decided June 8, 2017

SUMMARY

The Supreme Court of Arkansas affirmed Detric Deshun Wilson’s convictions for aggravated robbery, two counts of robbery, theft of property, and commercial burglary. The court held that substantial evidence supported the robbery-related convictions because Wilson threatened store employees to resist apprehension immediately after committing the theft. It also held that adult convictions for offenses committed by the defendant as a juvenile could be used to enhance his sentence under Arkansas’s habitual-offender statute, affirming the mandatory life sentence for aggravated robbery.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Josephine Linker Hart
JURISDICTION	Arkansas
DECIDED	June 8, 2017
DOCKET	CR-16-1062
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilson appealed his convictions for aggravated robbery, two counts of robbery, three counts of theft of property, and commercial burglary, as well as his mandatory life sentence for aggravated robbery under Arkansas's habitual-offender statute.
STANDARD OF REVIEW	The court reviews a directed-verdict motion as a challenge to the sufficiency of the evidence, viewing the evidence in the light most favorable to the State and considering only evidence supporting the verdict. A conviction is affirmed if supported by substantial evidence. Constitutional challenges to sentencing were reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Detric Deshun Wilson v. State of Arkansas

TOPICS

- criminal procedure
- sentencing
- cruel and unusual punishment
- appellate procedure
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

sentencing

QUESTIONS PRESENTED

1. Whether substantial evidence supported Wilson's aggravated-robbery and two robbery convictions when his threats were allegedly not made for the purpose of committing a theft.
2. Whether Arkansas's habitual-offender statute could constitutionally require a mandatory life sentence for an adult aggravated-robbery conviction based in part on convictions imposed when Wilson was a juvenile for offenses committed when he was under eighteen.

HOLDINGS

1. Substantial evidence supported the convictions because the jury could infer that Wilson threatened the employees for the purpose of resisting apprehension immediately after committing the theft, even if the threats were not made for the purpose of committing the theft itself.
2. A conviction imposed on a juvenile who was sentenced as an adult may be used as the basis for an increased penalty under Arkansas's habitual-offender statute. Using those convictions to enhance Wilson's sentence for an adult aggravated-robbery conviction did not violate the Eighth Amendment or article 2, section 9 of the Arkansas Constitution.

KEY QUOTATIONS

"We hold that a conviction imposed on a juvenile sentenced as an adult may be used as the basis for an increased penalty imposed under the habitual-offender statute." (at 7)

FACTUAL BACKGROUND

Before a K-Mart store opened, Wilson was observed behind the jewelry counter using bolt cutters and carrying a bag. When employees confronted or pursued him, he threatened that he had a pistol, causing two employees to retreat and another to stop pursuing him. The State also proved that Wilson had two adult criminal-court convictions for conspiracy to commit aggravated robbery arising from offenses he committed at age fifteen, and the circuit court used those convictions to impose mandatory life imprisonment for his adult aggravated-robbery conviction.

PROCEDURAL HISTORY

A jury convicted Wilson in the Lonoke County Circuit Court. The circuit court sentenced him to mandatory life imprisonment for aggravated robbery based on two prior violent-felony convictions, consecutive terms for the robbery convictions, and additional terms for theft and commercial burglary. The Supreme Court of Arkansas affirmed after rejecting his sufficiency-of-the-evidence and constitutional sentencing arguments.

DISPOSITION

affirmed

CASES CITED

- Hinton v. State, 2015 Ark. 479, 477 S.W.3d 517
- Watson v. State, 358 Ark. 212, 188 S.W.3d 921 (2004)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455 (2012)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48 (2010)
- Roper v. Simmons, 543 U.S. 551, 578 (2005)
- Kelley v. Johnson, 2016 Ark. 268, 496 S.W.3d 346
- Vanesch v. State, 343 Ark. 381, 37 S.W.3d 196 (2001)
- Dolphus v. State, 248 Ark. 799, 454 S.W.2d 88 (1970)
- United States v. Hunter, 735 F.3d 172 (4th Cir. 2013)
- United States v. Orona, 724 F.3d 1297 (10th Cir. 2013)
- United States v. Hoffman, 710 F.3d 1228 (11th Cir. 2013) (per curiam)
- United States v. Scott, 610 F.3d 1009 (8th Cir. 2010)
- Vickers v. Delaware, 117 A.3d 516 (Del. 2015)
- Counts v. Wyoming, 338 P.3d 902 (Wyo. 2014)