

SUPREME COURT OF ARKANSAS

M.M. v. State

350 Ark. 328 (Ark. 2002) · No. No. 02-107 · Decided November 14, 2002

SUMMARY

The Supreme Court of Arkansas held that Arkansas's rape shield statute, by its terms applicable to criminal prosecutions, did not apply to a juvenile delinquency proceeding. The court nevertheless affirmed the adjudication because the juvenile's proffered evidence concerning the victim's prior sexual conduct was irrelevant to whether he engaged in sexual activity with a child under fourteen. The court also held that the challenge to the juvenile's commitment to the Division of Youth Services was moot, while denying rehearing on the commitment issue.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Tom Glaze
JURISDICTION	Arkansas
DECIDED	November 14, 2002
DOCKET	No. 02-107
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.M. appealed a juvenile delinquency adjudication and commitment to the Department of Youth Services after the Lonoke County Juvenile Court excluded evidence concerning the victim's prior sexual conduct and rejected constitutional and statutory challenges to Arkansas's rape-shield statute.
STANDARD OF REVIEW	A trial court's evidentiary ruling under Arkansas Rule of Evidence 401 is reviewed for abuse of discretion; such rulings are given great weight and will not be reversed absent an abuse of discretion.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	M.M. v. State of Arkansas

TOPICS

- evidence
- criminal procedure
- statutory interpretation
- appellate procedure
- constitutional law

PRACTICE AREAS

juvenile law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Arkansas's rape-shield statute violates the separation-of-powers doctrine by limiting the Supreme Court of Arkansas's authority to prescribe procedural rules.
2. Whether Arkansas's rape-shield statute applies to juvenile-delinquency proceedings.
3. Whether evidence of the victim's prior sexual conduct was relevant and admissible in a prosecution for engaging in sexual activity with a person under fourteen.
4. Whether the issue of the juvenile court's failure to conduct a risk assessment before committing M.M. to the Department of Youth Services was moot.

HOLDINGS

1. The rape-shield statute does not impermissibly supplant the Supreme Court of Arkansas's rule-making power or violate separation of powers.
2. Arkansas's rape-shield statute is inapplicable to juvenile-delinquency proceedings because the statute applies by its terms to a criminal prosecution, and a juvenile-delinquency proceeding is not a criminal prosecution.
3. The juvenile court did not abuse its discretion by excluding evidence of J.H.'s prior sexual conduct because that evidence was irrelevant to whether M.M. engaged in sexual activity with J.H. while she was under fourteen.
4. The challenge to the failure to conduct a risk assessment was moot because M.M. had passed his eighteenth birthday and the record did not show that he was subject to extended juvenile jurisdiction.

KEY QUOTATIONS

“Because a juvenile-delinquency proceeding is not a criminal prosecution, we believe that there is merit to M.M.'s argument that the rape shield statute is inapplicable to this proceeding.” (at 408)

“The testimony M.M. sought to introduce was evidence of the victim's sexual history, but because the victim was under the age of fourteen, the child's sexual past was completely irrelevant to the question of whether or not M.M. engaged in sexual activity with J.H.” (at 410)

FACTUAL BACKGROUND

M.M., a juvenile, was charged with engaging in sexual activity with J.H., who was under fourteen during the alleged period. Before trial, M.M. sought to introduce testimony that J.H. had previously engaged in sexual activity with another child, arguing that the evidence supported his denial and affected credibility. The juvenile court excluded the evidence as irrelevant, adjudicated M.M. delinquent, and committed him to the Department of Youth Services.

PROCEDURAL HISTORY

M.M. was charged in Lonoke County Juvenile Court with rape and sexual misconduct. The sexual-misconduct charge was dismissed, but the court adjudicated him delinquent on the rape charge and committed him to the Department of Youth Services. The juvenile court rejected M.M.'s constitutional and statutory arguments and excluded his proffered evidence as irrelevant. The Supreme Court of Arkansas affirmed; on rehearing, it denied relief.

DISPOSITION

affirmed

CASES CITED

- State v. Sypult, 304 Ark. 5, 800 S.W.2d 402 (1990)
- Casement v. State, 318 Ark. 225, 884 S.W.2d 593 (1994)
- Sera v. State, 341 Ark. 415, 17 S.W.3d 61 (2000)
- Golden v. State, 341 Ark. 656, 21 S.W.3d 801 (2000)
- Hunter v. State, 341 Ark. 665, 19 S.W.3d 607 (2000)
- K.M. v. State, 335 Ark. 85, 983 S.W.2d 93 (1998)
- Clay v. State, 318 Ark. 550, 886 S.W.2d 608 (1994)
- Evans v. State, 317 Ark. 532, 878 S.W.2d 750 (1994)
- Ridling v. State, 348 Ark. 213, 72 S.W.3d 466 (2002)
- Cook v. State, 345 Ark. 264, 45 S.W.3d 820 (2001)
- Cobb v. State, 340 Ark. 240, 12 S.W.3d 195 (2000)