

SUPREME COURT OF ARKANSAS

Lawshea v. State

357 S.W.3d 901 (Ark. 2009) · Decided December 3, 2009

SUMMARY

The Arkansas Supreme Court affirmed Kenneth Lawshea’s conviction for capital murder as an accomplice in the killing of Shirley Barnett-Lambert. The court held that substantial evidence supported the required premeditation and deliberation and that any challenge to the sufficiency of the evidence establishing accomplice status was not preserved for appeal.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Gunter; Imber
JURISDICTION	Arkansas
DECIDED	December 3, 2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lawshea appealed his bench-trial conviction for capital murder as an accomplice, arguing that the State failed to present substantial evidence that he acted with premeditation and deliberation.
STANDARD OF REVIEW	The court reviews a sufficiency challenge to determine whether the verdict is supported by substantial evidence, direct or circumstantial, viewing the evidence in the light most favorable to the verdict. The appellate court does not weigh evidence or assess witness credibility.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kenneth Lawshea v. State of Arkansas

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- mens rea
- evidence

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- evidence

QUESTIONS PRESENTED

1. Whether the State presented substantial evidence that Lawshea, as an accomplice, acted with the premeditated and deliberated purpose required for capital murder.
2. Whether Lawshea could challenge on appeal the sufficiency of the evidence establishing his accomplice status when that ground was not raised in his motion for directed verdict or motion to dismiss.

HOLDINGS

1. Lawshea's argument that the State failed to prove he encouraged, aided, or assisted Kelly in the murder was not preserved because his trial motion challenged only the mens rea element of premeditation and deliberation.
2. Substantial evidence supported Lawshea's conviction for capital murder as an accomplice because the evidence showed that he knew others wanted Lambert killed, was repeatedly approached about participating, failed to warn Lambert, accompanied Kelly to Lambert's home, gained entry, was present at the murder scene, and fled afterward.

KEY QUOTATIONS

“Substantial evidence is evidence forceful enough to compel a conclusion one way or the other beyond suspicion or conjecture.”

“When two people assist one another in the commission of a crime, each is an accomplice and criminally liable for the conduct of both.”

FACTUAL BACKGROUND

Shirley Barnett-Lambert was stabbed and cut numerous times in her home on July 14, 2007. Kenneth Lawshea admitted that he accompanied Clarence Kelly to Lambert's home and entered the house, where he saw Kelly stabbing Lambert; physical evidence included Lawshea's blood or DNA on the bedroom door and evidence that he fled to Ohio after the crime. Lawshea claimed that he did not know Kelly intended to kill Lambert and that he tried to stop him, but the circuit court found his testimony self-serving and not credible.

PROCEDURAL HISTORY

Lawshea was charged by felony information with capital murder, waived a jury trial, and was convicted after a February 18-19, 2009 bench trial. The circuit court sentenced him to life imprisonment without parole. The Supreme Court of Arkansas affirmed after concluding that the sufficiency challenge was preserved only as to premeditation and deliberation and that substantial evidence supported the conviction.

DISPOSITION

affirmed

CASES CITED

- Boyd v. State, 369 Ark. 259, 253 S.W.3d 456 (2007)
- Ridling v. State, 360 Ark. 424, 203 S.W.3d 63 (2005)

- Rounsaville v. State, 374 Ark. 356, 288 S.W.3d 213 (2008)
- Jefferson v. State, 359 Ark. 454, 198 S.W.3d 527 (2004)
- Cook v. State, 350 Ark. 398, 86 S.W.3d 916 (2002)
- Fight v. State, 314 Ark. 438, 863 S.W.2d 800 (1993)
- Eubanks v. State, 2009 Ark. 170, 303 S.W.3d 450 (2009)
- Branscum v. State, 345 Ark. 21, 43 S.W.3d 148 (2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/arkansas-supreme-court-of-arkansas/2009/lawshea-v-state-20qy6qa0>