

SUPREME COURT OF ARKANSAS

Harrison v. State, 371 Ark. 652

269 S.W.3d 321 (2007) · No. CR 07-357 · Decided December 6, 2007

SUMMARY

The Arkansas Supreme Court affirmed Kenneth Harrison's capital-murder conviction and life-without-parole sentence. The court held that the circuit court did not abuse its discretion by denying a mistrial based on alleged juror misconduct or by denying a new-trial motion concerning the alleged nondisclosure of a witness's juvenile capital-murder conviction. The court found no resulting prejudice and declined to address an unsupported due-process argument concerning the absence of a hearing.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Paul E. Danielson; Robert L. Brown; Annabelle Clinton Imber
JURISDICTION	Arkansas
DECIDED	December 6, 2007
DOCKET	CR 07-357
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harrison appealed his capital-murder conviction and sentence of life imprisonment without parole, challenging the denial of his motion for mistrial and motion for new trial.
STANDARD OF REVIEW	A circuit court's denial of a mistrial motion is reviewed for abuse of discretion. A ruling granting or denying a motion for new trial is reviewed for manifest abuse of discretion. Claims based on nondisclosure of prior convictions turn on whether the defendant was prejudiced.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Kenneth Harrison v. State of Arkansas

TOPICS

- criminal procedure
- evidence
- impeachment
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying a mistrial based on alleged juror misconduct and extraneous information communicated by one juror to two other jurors.
2. Whether the circuit court manifestly abused its discretion by denying a new-trial motion based on the alleged nondisclosure of a witness's prior juvenile capital-murder conviction.
3. Whether the circuit court's failure to hold a hearing on the new-trial motion violated Harrison's federal and state due-process rights.

HOLDINGS

1. The circuit court did not abuse its discretion by denying Harrison's motion for mistrial because the juror's statements did not establish prejudice, and the two jurors who heard them affirmed that they could remain impartial.
2. The circuit court did not manifestly abuse its discretion by denying the motion for new trial because Harrison failed to demonstrate prejudice from the alleged nondisclosure.
3. The court declined to reach the merits of Harrison's due-process argument because he cited no legal authority or convincing argument supporting it.

KEY QUOTATIONS

“We have held that a mistrial is an extreme and drastic remedy that will be resorted to only when there has been an error so prejudicial that justice cannot be served by continuing with the trial or when the fundamental fairness of the trial has been manifestly affected.” (at 324)

“It is clear to this court that Ingram's criminal record was made known to the jury and was used by the defense in an attempt to impeach him.” (at 326)

FACTUAL BACKGROUND

Harrison was convicted of capital murder for shooting and killing Fulton Watson at Roy's Service Center in Little Rock on November 11, 2005. Two eyewitnesses, Shuntae Ingram and Jacque Snider, testified against him. During trial, juror Wright told other jurors that she knew Harrison from his work at an automotive shop, and Harrison later asserted that the State had failed to disclose that Ingram had a juvenile capital-murder conviction.

PROCEDURAL HISTORY

A jury convicted Harrison of capital murder and sentenced him to life imprisonment without parole. The circuit court denied his mistrial motion based on alleged juror misconduct and later denied his motion for new trial based on the State's alleged failure to disclose a witness's prior juvenile capital-murder conviction. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Thessing v. State, 365 Ark. 384, 230 S.W.3d 526 (2006)
- Williams v. State, 363 Ark. 395, 214 S.W.3d 829 (2005)
- Henderson v. State, 349 Ark. 701, 80 S.W.3d 374 (2002)
- Lee v. State, 340 Ark. 504, 11 S.W.3d 553 (2000)
- White v. State, 370 Ark. 284, 259 S.W.3d 410 (2007)

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