

SUPREME COURT OF ARKANSAS

Justin Thornton v. State of Arkansas

Thornton, 2026 Ark. 71 (Ark. 2026) · No. CR-25-563 · Decided April 23, 2026

SUMMARY

The Supreme Court of Arkansas affirmed Justin Thornton’s convictions for kidnapping, aggravated residential burglary, domestic battering, aggravated assault, terroristic threatening, and fleeing. The court held that Thornton’s sufficiency-of-the-evidence challenge was not preserved because his dismissal motion did not identify specific deficiencies in the State’s proof. The court also declined to consider his challenge to defense counsel’s Class Y felony certification because the issue was not preserved and the record did not establish that counsel lacked the certification.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Arkansas                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Courtney Rae Hudson                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | Supreme Court of Arkansas                                                                                                                                                                                                                                                                                               |
| DECIDED               | April 23, 2026                                                                                                                                                                                                                                                                                                          |
| DOCKET                | CR-25-563                                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Thornton appealed his convictions and sentences after a bench trial in the Faulkner County Circuit Court, arguing that the circuit court erred by denying his motions to dismiss and by permitting allegedly uncertified defense counsel to represent him.                                                              |
| STANDARD OF REVIEW    | The court ordinarily views the evidence in the light most favorable to the State when reviewing sufficiency, but it did not reach the merits of Thornton's sufficiency arguments because they were not preserved. Preservation under Arkansas Rule of Criminal Procedure 33.1 was reviewed as a legal procedural issue. |
| PRECEDENTIAL VALUE    | Published Arkansas Supreme Court opinion                                                                                                                                                                                                                                                                                |
| PARTIES               | Justin Thornton v. State of Arkansas                                                                                                                                                                                                                                                                                    |

TOPICS

- criminal procedure
- preservation of error
- appellate procedure
- right to counsel
- evidence

## PRACTICE AREAS

criminal procedure

appellate procedure

evidence

## QUESTIONS PRESENTED

1. Whether Thornton preserved a challenge to the sufficiency of the evidence by making specific motions to dismiss at the required points in the bench trial.
2. Whether the circuit court committed structural error, or otherwise violated Thornton's right to counsel, by allowing defense counsel to represent him despite an unresolved question regarding counsel's Class Y felony certification by the Arkansas Public Defender Commission.

## HOLDINGS

1. A defendant in a nonjury criminal trial must make a specific motion for dismissal at the close of the State's case and renew it at the close of all evidence, identifying the precise deficiency in the proof. A motion that merely recites the elements or asserts that the State failed to make a prima facie case does not preserve particular sufficiency arguments for appellate review.
2. The mere possibility that appointed defense counsel lacked Class Y felony certification from the Arkansas Public Defender Commission does not constitute structural error under the third Wicks exception to the contemporaneous-objection rule.

## KEY QUOTATIONS

*“The rule further provides: (c) The failure of a defendant to challenge the sufficiency of the evidence at the times and in the manner required in subsections (a) and (b) above will constitute a waiver of any question pertaining to the sufficiency of the evidence to support the verdict or judgment.” (at 8)*

*“It is clear that Thornton’s motion was general in nature and lacked the specificity required to preserve his sufficiency challenge for appeal.” (at 10)*

*“The third exception is limited to only those errors affecting the very structure of the criminal trial, such as the fundamental right to a trial by jury, the presumption of innocence, and the State’s burden of proof.” (at 12)*

## FACTUAL BACKGROUND

The State alleged that Thornton restrained, assaulted, burned, threatened, and terrorized his wife, Tamikka Thornton, at her Conway residence on February 17, 2024. Tamikka testified that Thornton choked her, bound her with zip ties, covered her mouth with duct tape, placed her in a closet, and burned her abdomen with a heated knife. The State introduced photographs of her injuries and physical evidence from the residence, and an officer later testified that Thornton fled when she attempted to detain him. Thornton denied wrongdoing, but the circuit court credited the State's witnesses and found him guilty.

## PROCEDURAL HISTORY

Thornton was charged by felony information with kidnapping, aggravated residential burglary, first-degree domestic battering using a deadly weapon, aggravated assault on a family or household member, first-degree

terroristic threatening, theft of property, and fleeing on foot. The theft charge was nolle prossed before trial. After Thornton waived a jury trial, the circuit court conducted a bench trial, found him guilty of the remaining offenses, and imposed consecutive life sentences for kidnapping and aggravated residential burglary plus thirty-one years' imprisonment. The Supreme Court of Arkansas affirmed, holding that the sufficiency challenge and counsel-certification argument were not preserved.

## DISPOSITION

affirmed

## CASES CITED

- Taffner v. State, 2018 Ark. 99, at 6, 541 S.W.3d 430, 434
- Carey v. State, 365 Ark. 379, 383, 230 S.W.3d 553, 557 (2006)
- Hayes v. State, 2020 Ark. 297, at 8
- Spencer v. State, 348 Ark. 230, 234, 72 S.W.3d 461, 463 (2002)
- Foster v. State, 2009 Ark. 454, at 5
- Perry v. State, 2014 Ark. 535, at 4, 453 S.W.3d 650, 653
- Smith v. State, 2025 Ark. 26, at 9, 708 S.W.3d 336, 344
- Thornton v. State, 2014 Ark. 157, 433 S.W.3d 216
- Thornton v. State, 2015 Ark. 438, 475 S.W.3d 544
- Halliburton v. State, 2020 Ark. 101, at 7, 594 S.W.3d 856, 862
- Conte v. State, 2015 Ark. 220, at 16, 463 S.W.3d 686, 696
- Wicks v. State, 270 Ark. 781, 606 S.W.2d 366 (1980)
- Holland v. State, 2015 Ark. 318, at 3 n.2, 468 S.W.3d 782, 785 n.2
- Rackley v. State, 371 Ark. 438, 441, 267 S.W.3d 578, 581 (2007)
- Law v. State, 375 Ark. 505, 508, 292 S.W.3d 277, 280 (2009)
- Matthews v. State, 2025 Ark. 213, at 4, 725 S.W.3d 16, 19

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