

SUPREME COURT OF ARKANSAS

Nicholas Mills v. State of Arkansas

2026 Ark. 9 (Ark. 2026) · No. CR-24-854 · Decided January 29, 2026

OPINION

PER CURIAM.

Cite as 2026 Ark. 61 SUPREME COURT OF ARKANSAS No. CR-24-854 Opinion Delivered: January 29, 2026 NICHOLAS MILLS APPELLANT APPEAL FROM THE POPE COUNTY CIRCUIT COURT [NO. 58CR-23-661] V. HONORABLE BARBARA HALSEY, JUDGE STATE OF ARKANSAS APPELLEE DISSENTING OPINION FROM DENIAL OF PETITION FOR REVIEW. NICHOLAS J. BRONNI, Associate Justice The court of appeals rejected Nicholas Mills’s challenge to evidence admitted at his sentencing, holding that he could not establish prejudice because he received a sentence less than the statutory maximum.

Mills v. State, 2025 Ark. App. 476, at 4–5, 723 S.W.3d 649, 652. No one has ever explained why that rule makes sense or is justified by precedent. See Francis v. State, 2025 Ark. 146, at 1–2. Nor could they since, as I’ve previously explained, “[j]ust because a defendant didn’t receive the maximum sentence doesn’t mean there weren’t any prejudicial errors,” and our previous case law doesn’t establish such a rule.

Id. Sadly, however, the majority passes on yet another opportunity to either attempt to justify that rule or, more correctly, overrule it. I respectfully dissent. WEBB, J., joins.

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