

COURT OF APPEALS OF ARKANSAS

De’Andre James v. State of Arkansas

James, 2026 Ark. App. 103 (Ark. Ct. App. 2026) · No. CR-25-46 · Decided February 18, 2026

SUMMARY

The Arkansas Court of Appeals affirmed De’Andre James’s convictions for trafficking fentanyl and maintaining a drug premises within 1,000 feet of a certified drug-free zone. The court held that sufficient circumstantial evidence linked James to the fentanyl and supported the knowing-maintenance conviction, while certain arguments were unpreserved. The court also upheld the admission of expert testimony concerning fentanyl trafficking and concluded that any error regarding testimony about fentanyl’s dangerousness would have been harmless.

CASE DETAILS

COURT	Court of Appeals of Arkansas
WRITING FOR THE COURT	Robert J. Gladwin; Abramson; Barrett
JURISDICTION	Arkansas Court of Appeals
DECIDED	February 18, 2026
DOCKET	CR-25-46
DISPOSITION	affirmed
PROCEDURAL POSTURE	James appealed jury convictions for trafficking fentanyl and maintaining a drug premises within 1,000 feet of a certified drug-free zone, challenging the sufficiency of the evidence, the qualification and testimony of a prosecution expert, and the jury instruction concerning the drug-free-zone enhancement.
STANDARD OF REVIEW	A directed-verdict motion is reviewed as a challenge to the sufficiency of the evidence, with only evidence supporting the verdict considered in the light most favorable to the State and the verdict affirmed if substantial evidence supports it. Evidentiary rulings, including the qualification and admission of expert testimony, are reviewed for abuse of discretion and will not be reversed absent prejudice or manifest abuse.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	De’Andre James v. State of Arkansas

TOPICS

criminal procedure

evidence

preservation of error

standard of review

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PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether substantial evidence established that James constructively possessed the fentanyl for purposes of trafficking.
2. Whether James's challenge to the sufficiency of the evidence that he knew the pills contained fentanyl was preserved for appellate review.
3. Whether substantial evidence established that James knowingly maintained a drug premises within 1,000 feet of a certified drug-free zone.
4. Whether James preserved his argument that the State was required to prove a culpable mental state for the drug-free-zone enhancement.
5. Whether the circuit court abused its discretion by qualifying Investigator Matthew Holland as an expert in fentanyl trafficking and overdoses.
6. Whether Holland's testimony concerning fentanyl's potency and overdose risks was irrelevant or unfairly prejudicial under Arkansas Rules of Evidence 401 and 403.
7. Whether any error in admitting testimony concerning fentanyl's dangerousness and overdose potential was harmless.

HOLDINGS

1. A defendant is bound on appeal by the nature and scope of the sufficiency arguments made in the directed-verdict motion and may not enlarge those grounds on appeal; James therefore failed to preserve his challenge concerning knowledge that the pills contained fentanyl.
2. Substantial evidence supported James's conviction for trafficking fentanyl because the circumstances sufficiently linked him to the fentanyl and established constructive possession.
3. Substantial evidence established that James knowingly maintained the second bedroom as a premises for drug activity within 1,000 feet of a certified drug-free zone.
4. James's argument that the State had to prove a culpable mental state for the drug-free-zone enhancement was not preserved because he did not challenge the jury instruction or raise the issue in his directed-verdict motion.
5. The circuit court did not abuse its discretion by qualifying Investigator Holland as an expert in fentanyl trafficking and admitting his testimony concerning the mechanics and characteristics of fentanyl trafficking.
6. Holland's testimony about fentanyl's potency and overdose risks was relevant and was not shown to have caused unfair prejudice; even assuming error in admitting some of that testimony, any error was

harmless because the evidence of guilt was overwhelming and the testimony did not affect the credibility of the other evidence.

KEY QUOTATIONS

“However, joint occupancy alone is not sufficient to establish possession or joint possession; there must be some additional factor linking the accused to the contraband.” (at 6)

“The test for admissibility of expert testimony is whether it will aid the trier of fact in understanding the evidence or in determining a fact in issue.” (at 10)

“Harmless error exists when the evidence of guilt is overwhelming, and the error is slight.” (at 11)

FACTUAL BACKGROUND

Police searched a two-bedroom apartment occupied by James, his mother, and two other people. In the second bedroom, which officers determined was James’s room based on his identification card, debit cards, prescription paperwork, and other personal items, officers found 369 fentanyl pills, other controlled substances, and \$11,500 in cash. An investigator testified about fentanyl trafficking, the quantity and value of the pills, and the risks associated with fentanyl, and the jury convicted James of both charged offenses.

PROCEDURAL HISTORY

After police executed a search warrant at an apartment where James lived with his mother, the State charged him with trafficking fentanyl and maintaining a drug premises near Hendrix College. Following a jury trial, James was convicted and sentenced to concurrent terms of forty-five years and five years. The circuit court denied his directed-verdict motions, and the Arkansas Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- LeFever v. State, 91 Ark. App. 86, 208 S.W.3d 812
- Baumann v. State, 2018 Ark. App. 564, 566 S.W.3d 494
- James v. State, 2021 Ark. App. 33, 616 S.W.3d 267
- Daniels v. State, 2019 Ark. App. 507, 588 S.W.3d 407
- Gonzales v. State, 2019 Ark. App. 600, 589 S.W.3d 505
- Gibout v. State, 2024 Ark. App. 568, 702 S.W.3d 404
- Martin v. State, 2019 Ark. App. 509, 587 S.W.3d 623
- Szczerba v. State, 2017 Ark. App. 27, 511 S.W.3d 360
- Williams v. State, 2025 Ark. App. 92, 704 S.W.3d 916
- Phillips v. State, 344 Ark. 453, 40 S.W.3d 778
- Franklin v. State, 60 Ark. App. 198, 962 S.W.2d 370 (1998)

- Williams v. State, 2025 Ark. App. 252, 704 S.W.3d 916
- Sullivan v. State, 2012 Ark. 74, 386 S.W.3d 507
- Bynum v. State, 2018 Ark. App. 201, 546 S.W.3d 533
- Purdie v. State, 2010 Ark. App. 658, 379 S.W.3d 541
- McDaniels v. State, 2025 Ark. 139, 720 S.W.3d 82
- Lawson v. State, 2024 Ark. 143, 697 S.W.3d 529

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