

SUPREME COURT OF ARKANSAS

Parnell R. May v. State of Arkansas

2022 Ark. 216 (2022) · No. CR-22-221 · Decided December 8, 2022

SUMMARY

The Arkansas Supreme Court affirmed Parnell R. May’s conviction for capital murder and life sentence. The court held that substantial evidence supported the conviction, including medical-examiner testimony that the victim died from blunt-force injuries inflicted during the assault. It also upheld the exclusion of emergency-room records and a death-certificate document and found May’s challenge to the medical examiner’s testimony unpreserved.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	John Dan Kemp, Chief Justice
JURISDICTION	Arkansas
DECIDED	December 8, 2022
DOCKET	CR-22-221
DISPOSITION	affirmed
PROCEDURAL POSTURE	Parnell May appealed pro se from a Pulaski County Circuit Court judgment convicting him of capital murder and sentencing him to life imprisonment.
STANDARD OF REVIEW	A motion for directed verdict is treated as a challenge to the sufficiency of the evidence. The evidence is viewed in the light most favorable to the State, considering only evidence supporting the verdict, and the verdict is affirmed if supported by substantial evidence. Evidentiary rulings are reviewed for abuse of discretion, and reversal requires a showing of prejudice. Issues not supported by a contemporaneous objection are not preserved for appellate review.
PRECEDENTIAL VALUE	published opinion
PARTIES	Parnell R. May v. State of Arkansas

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review
- preservation of error

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether substantial evidence supported May's capital-murder conviction, including proof that his beating caused Morales's death.
2. Whether the circuit court abused its discretion by excluding Morales's emergency-room medical records under Arkansas Rule of Evidence 803(6).
3. Whether the circuit court abused its discretion by excluding a purported death certificate under Arkansas Code Annotated section 12-12-313.
4. Whether May's challenge to the deputy chief medical examiner's testimony was preserved for appellate review.
5. Whether the record contained prejudicial error requiring reversal under Arkansas Supreme Court Rule 4-3(a).

HOLDINGS

1. Substantial evidence supported May's capital-murder conviction because the evidence permitted the jury to find that May's premeditated and deliberated beating caused Morales's death.
2. The circuit court did not abuse its discretion by excluding Morales's emergency-room medical records because May failed to establish the business-records foundation required by Arkansas Rule of Evidence 803(6), and he did not satisfy the statutory affidavit procedure.
3. The circuit court did not abuse its discretion by excluding the document offered as Morales's death certificate because it was neither generated by the medical examiner nor an official copy of the death certificate.
4. May's challenge that Dr. Erickson's testimony was invalid or fraudulent was not preserved because May failed to make a contemporaneous objection at trial.

KEY QUOTATIONS

"We hold that substantial evidence supports May's capital- murder conviction, and we affirm on his points challenging the sufficiency of the evidence." (5)

"Therefore, May did not satisfy the foundation requirement in Rule 803(6)." (8)

"Given that the document was not generated by Dr. Erickson and was not an official copy of Morales's death certificate, we hold that the circuit court did not abuse its discretion in refusing to admit the document, and we affirm." (9)

FACTUAL BACKGROUND

May and Anna Morales argued at their duplex on December 3, 2016, after which a neighbor heard May threaten Morales. Later that night, the neighbor saw Morales lying injured on the floor inside the duplex, and the next

morning she was found unresponsive outside with facial bruising and no vital signs. Investigators found a metal pipe and wooden stick bearing Morales's blood, and the deputy chief medical examiner testified that Morales died from multiple blunt-force injuries inflicted while she was alive. May admitted beating Morales repeatedly with a stick and causing nearly all of the injuries, but claimed that cold weather or resuscitation efforts caused her death.

PROCEDURAL HISTORY

May was tried by a jury in the Pulaski County Circuit Court and convicted of capital murder arising from the beating death of Anna Morales. The circuit court sentenced him to life imprisonment. May timely appealed, challenging the sufficiency of the evidence, exclusion of evidence, and the validity and preservation of objections to medical-examiner testimony. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- McClendon v. State, 2019 Ark. 88, 570 S.W.3d 450
- Halliburton v. State, 2020 Ark. 101, 594 S.W.3d 856
- Collins v. State, 2019 Ark. 110, 571 S.W.3d 469
- Branscomb v. State, 299 Ark. 482, 774 S.W.2d 426 (1989)
- Friday v. State, 2018 Ark. 339, 561 S.W.3d 318