

SUPREME COURT OF ARKANSAS

McEntire v. State

363 Ark. 473 (2005) · Decided October 13, 2005

SUMMARY

The Arkansas Supreme Court affirmed Bill McEntire’s conviction for theft by deception. The court held that substantial evidence supported findings that McEntire knowingly obtained an elderly woman’s property and used a scheme to defraud her, including transferring and spending funds deposited into a joint account. The court also concluded that its jurisdiction was proper because the appeal involved statutory interpretation.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Donald L. Corbin
JURISDICTION	Arkansas
DECIDED	October 13, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed from a Pulaski County Circuit Court judgment and commitment order entered after a bench trial convicting him of theft by deception and sentencing him to ten years' imprisonment with four years suspended.
STANDARD OF REVIEW	The court views the evidence in the light most favorable to the State and affirms a conviction if substantial evidence supports it. Substantial evidence is evidence of sufficient force and character to compel a conclusion with reasonable certainty without speculation or conjecture.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Bill McEntire v. State

TOPICS

- criminal procedure
- evidence
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported McEntire's conviction for theft by deception.
2. Whether the evidence established that McEntire knowingly obtained another person's property by employing a scheme to defraud.

HOLDINGS

1. The evidence was sufficient to support McEntire's conviction for theft by deception.

KEY QUOTATIONS

“Substantial evidence is evidence which is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other, without resorting to speculation or conjecture.”

“A person commits theft of property if he: (2) Knowingly obtains the property of another person, by deception or by threat, with the purpose of depriving the owner thereof.”

“This testimony is substantial enough for the court to make a conclusion that Appellant had a scheme to defraud Ms. Ferguson.”

FACTUAL BACKGROUND

McEntire added an elderly woman suffering from dementia to a savings account he had opened and received checks and savings bonds payable to her or her daughters, totaling \$94,470.92. He made all withdrawals, transferred funds to accounts he controlled, and did not use the money for the woman's benefit. The evidence also showed that he had access to the woman's firebox, where her savings bonds had been kept, and that the account was depleted while her daughter was seeking guardianship protection for her.

PROCEDURAL HISTORY

McEntire was charged with theft by deception and obtaining signatures by deception. Following a bench trial in the Pulaski County Circuit Court, the court found him guilty of theft by deception. The Arkansas Supreme Court reviewed his challenge to the sufficiency of the evidence and affirmed.

DISPOSITION

affirmed

CASES CITED

- Coggin v. State, 356 Ark. 424, 156 S.W.3d 712 (2004)
- Baughman v. State, 353 Ark. 1, 110 S.W.3d 740 (2003)
- O'Neal v. State, 356 Ark. 674, 158 S.W.3d 175 (2004)

