

SUPREME COURT OF ARKANSAS

Gaines v. State

354 Ark. 89 (2003) (Ark. 2003) · No. CR 02-868 · Decided September 18, 2003

SUMMARY

The Arkansas Supreme Court affirmed Eric Dewayne Gaines’s rape conviction and fifteen-year sentence. The court held that third-degree carnal abuse was not a lesser-included offense of rape under Arkansas law and that the trial court properly refused to give that jury instruction. The court also upheld the constitutionality of Arkansas’s prohibition on a mistake-of-age defense for statutory rape involving a victim under fourteen.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Hannah
JURISDICTION	Arkansas
DECIDED	September 18, 2003
DOCKET	CR 02-868
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gaines appealed his rape conviction and fifteen-year sentence. The Arkansas Court of Appeals certified the case to the Supreme Court of Arkansas under Arkansas Supreme Court Rule 1-2.
STANDARD OF REVIEW	A trial court's refusal to give a lesser-included-offense instruction is affirmed when there is no rational basis in the evidence for giving the instruction; refusal is reversible error when there is the slightest evidence supporting it.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Arkansas
PARTIES	Eric Dewayne Gaines v. State of Arkansas

TOPICS

- criminal procedure
- jury instructions
- lesser included offense instructions
- statutory interpretation
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether third-degree carnal abuse is a lesser-included offense of rape under Arkansas Code Annotated section 5-14-103(a)(4) and therefore warranted a jury instruction.
2. Whether Arkansas Code Annotated section 5-14-102(b), which bars a mistake-of-age defense when the victim is under fourteen, violates the federal or Arkansas constitutional guarantees of due process and a fair trial.

HOLDINGS

1. Third-degree carnal abuse is not a lesser-included offense of rape under Arkansas Code Annotated section 5-14-103(a)(4), because it requires proof of elements not required by the rape statute, and it does not qualify under any of the three tests in section 5-1-110(b). The trial court therefore properly refused the requested instruction.
2. Arkansas Code Annotated section 5-14-102(b), which prohibits a mistake-of-age defense when the victim is under fourteen, does not violate the federal or Arkansas constitutional guarantees of due process and a fair trial. Because statutory rape is a strict-liability offense and intent regarding the victim's age is not an element, the trial court properly excluded the defense.

KEY QUOTATIONS

“We hold that the carnal abuse in the third degree is not a lesser-included offense of § 5-14-103(a)(4); therefore, the trial court did not err in refusing to instruct the jury on carnal abuse in the third degree.” (104)

“In addition, we hold that Ark. Code Ann. § 5-14-102(b) (Repl.1997), which prohibits a mistake-of-age defense, does not violate Gaines's right to due process and a fair trial as guaranteed by the United States Constitution and the Arkansas Constitution.” (104)

“Since the State is not required to prove intent in a strict-liability case, a defense which raises the issue of a person's intent, i.e., allows a person to raise a defense about what he or she reasonably believed about the victim's age at the time of the offense, is not allowed because it is wholly irrelevant.” (108)

FACTUAL BACKGROUND

Gaines was accused of engaging in sexual intercourse or deviate sexual activity with T.W., a thirteen-year-old girl. A Pulaski County jury convicted him of rape under the statute criminalizing sexual intercourse or deviate sexual activity with a person under fourteen. Gaines sought a jury instruction on third-degree carnal abuse and sought to present a mistake-of-age defense.

PROCEDURAL HISTORY

A Pulaski County jury found Gaines guilty of rape under Arkansas Code Annotated section 5-14-103(a)(4), and the trial court sentenced him to fifteen years in the Arkansas Department of Correction. The Court of Appeals certified the case to the Supreme Court of Arkansas. The Supreme Court affirmed, holding that third-degree

carnal abuse was not a lesser-included offense of the charged rape offense and that the statutory bar on a mistake-of-age defense was constitutional.

DISPOSITION

affirmed

CASES CITED

- Weber v. State, 326 Ark. 564, 933 S.W.2d 370 (1996)
- Bonds v. State, 310 Ark. 541, 837 S.W.2d 881 (1992)
- Leshe v. State, 304 Ark. 442, 803 S.W.2d 522 (1991)
- Kester v. State, 303 Ark. 303, 797 S.W.2d 704 (1990)
- Sullivan v. State, 289 Ark. 323, 711 S.W.2d 469 (1986)
- McCoy v. State, 347 Ark. 913, 69 S.W.3d 430 (2002), reh'g denied, 348 Ark. 239, 74 S.W.3d 599 (2002)
- Morris v. State, 351 Ark. 426, 94 S.W.3d 913 (2003)
- Ellis v. State, 345 Ark. 415, 47 S.W.3d 259 (2001)
- Short v. State, 349 Ark. 492, 79 S.W.3d 313 (2002)
- Clay v. State, 318 Ark. 550, 886 S.W.2d 608 (1994)
- Morissette v. United States, 342 U.S. 246, 72 S. Ct. 240, 96 L. Ed. 288 (1952)
- Lambert v. California, 355 U.S. 225, 78 S. Ct. 240, 2 L. Ed. 2d 228 (1957)
- Reinert v. State, 348 Ark. 1, 71 S.W.3d 52 (2002)
- Bunch v. State, 344 Ark. 730, 43 S.W.3d 132 (2001)
- McGuire v. State, 288 Ark. 388, 706 S.W.2d 360 (1986)
- Kelly v. State, 350 Ark. 238, 85 S.W.3d 893 (2002)
- State v. Guest, 583 P.2d 836 (Alaska 1978)
- State v. Elton, 680 P.2d 727 (Utah 1984)