

SUPREME COURT OF ARKANSAS

State of Arkansas v. Tiffany Ashley, 347 Ark. 523

66 S.W.3d 563 (2002) · No. CR 01-774 · Decided February 7, 2002

SUMMARY

The Supreme Court of Arkansas dismissed the State's appeal from the dismissal of Tiffany Ashley's public sexual indecency charge. The court held that the appeal concerned only the application of the statute to the case-specific facts and therefore did not implicate the correct and uniform administration of the criminal law under Ark. R. App. P.—Crim. 3(c). A dissent argued that the stipulated facts presented a statutory interpretation issue concerning whether conduct behind a beaded curtain occurred in a public place or public view.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	W.H. "Dub" Arnold, Chief Justice
JURISDICTION	Arkansas
DECIDED	February 7, 2002
DOCKET	CR 01-774
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State appealed the Garland County Circuit Court's dismissal of Ashley's public-sexual-indecency charge following her municipal-court conviction and appeal to circuit court. The Supreme Court of Arkansas dismissed the State's appeal because it presented only the application of law to case-specific facts rather than an issue requiring interpretation of the criminal rules with widespread ramifications.
STANDARD OF REVIEW	A State criminal appeal is accepted only when review is required for the correct and uniform administration of the criminal law under Ark. R. App. P.—Crim. 3(c). The Supreme Court does not accept State appeals presenting only the application of law to facts unique to the case, including mixed questions of law and fact.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential majority decision on the scope of State criminal appeals under Ark. R. App. P.—Crim. 3(c).
PARTIES	State of Arkansas v. Tiffany Ashley

TOPICS

appellate jurisdiction

appellate procedure

criminal procedure

statutory interpretation

PRACTICE AREAS

Criminal procedure

Appellate procedure

Statutory interpretation

QUESTIONS PRESENTED

1. Whether the Supreme Court of Arkansas could accept the State's appeal under Ark. R. App. P.–Crim. 3(c) when the State challenged only the trial court's application of the public-sexual-indecency statute to the case-specific facts.
2. Whether the circuit court acted within its discretion in dismissing the charge based on its finding that the sexual contact did not occur in a public place or public view.

HOLDINGS

1. The Supreme Court of Arkansas would not accept the State's appeal because the State challenged only the application of law to facts unique to the case and did not present an issue requiring interpretation of the criminal rules with widespread ramifications or otherwise involving the correct and uniform administration of the criminal law.
2. The circuit court acted within its discretion in making an evidentiary decision based on the motions, briefs, stipulations, and oral arguments, and its dismissal order was not reviewable through the State's Rule 3(c) appeal.

KEY QUOTATIONS

“This appeal by the State turns on the facts unique to this particular case, therefore it does not require interpretation of criminal rules with widespread ramifications.” (at 566-567)

“Accordingly, this Court does not accept this appeal by the State under Ark. R.App. P.—Crim. 3(c).” (at 567)

FACTUAL BACKGROUND

Ashley worked as an exotic dancer at the Centerfold Club in Hot Springs, Arkansas. During an undercover investigation, an officer alleged that Ashley performed a lap dance involving sexual contact for a patron inside an area surrounded by a beaded curtain. The circuit court found that the acts occurred in a separate area substantially or totally obscured from the main club and dismissed the public-sexual-indecency charge.

PROCEDURAL HISTORY

Ashley was charged and convicted in Garland County Municipal Court. She appealed to Garland County Circuit Court, which granted her motion to dismiss the public-sexual-indecency charge after considering the evidence, stipulations, briefing, and oral argument. The State appealed to the Supreme Court of Arkansas, which declined to accept the appeal under Arkansas Rule of Appellate Procedure–Criminal 3(c).

DISPOSITION

dismissed

CASES CITED

- State v. Guthrie, 341 Ark. 624, 19 S.W.3d 10 (2000)
- State v. McCormack, 343 Ark. 285, 34 S.W.3d 735 (2000)
- State v. Gray, 330 Ark. 364, 955 S.W.2d 502 (1997)
- State v. Banks, 322 Ark. 344, 909 S.W.2d 634 (1995)
- State v. Harris, 315 Ark. 595, 868 S.W.2d 488 (1994)
- State v. Stephenson, 330 Ark. 594, 955 S.W.2d 518 (1997)
- State v. Spears and Boyce, 123 Ark. 449, 185 S.W. 788 (1916)
- State v. Howard, 341 Ark. 640, 19 S.W.3d 4 (2000)
- State v. Edwards, 310 Ark. 516, 838 S.W.2d 356 (1992)
- State v. Hart, 329 Ark. 582, 952 S.W.2d 138 (1997)
- State v. Jones, 321 Ark. 451, 903 S.W.2d 170 (1995)
- State v. Mazur, 312 Ark. 121, 847 S.W.2d 715 (1993)