

SUPREME COURT OF ARKANSAS

Shawna Cash v. State of Arkansas

2026 Ark. 16 (2026) · No. CR-24-598 · Decided February 5, 2026

SUMMARY

The Supreme Court of Arkansas affirmed Shawna Cash’s convictions for capital murder, fleeing, obstruction of governmental operations, and two counts of aggravated assault, along with her aggregate life sentence. The court held that Cash invited any error regarding admission of a recorded jail call and that the prosecutor’s closing remark about fleeing was proper. Although the court concluded that evidence concerning a stolen key fob was not independently relevant, it held that any error in admitting it was harmless.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Barbara W. Webb
JURISDICTION	Supreme Court of Arkansas
DECIDED	February 5, 2026
DOCKET	CR-24-598
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cash appealed her jury convictions and aggregate life sentence from the Benton County Circuit Court, arguing that the court improperly admitted a recorded jail call and prior-act evidence and improperly overruled her objection to a prosecutor's closing argument.
STANDARD OF REVIEW	Evidentiary rulings under Arkansas Rule of Evidence 404(b) are reviewed for manifest abuse of discretion. The circuit court has broad discretion to control closing arguments, and its ruling will not be disturbed absent a manifest abuse of discretion. An evidentiary error may be harmless when the evidence of guilt is overwhelming and the error is slight.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Shawna Cash v. State of Arkansas

TOPICS

evidence

criminal procedure

harmless error

appellate procedure

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the circuit court erred by admitting a recorded jail call in which Cash discussed her attorney's characterization of the possible charges.
2. Whether the prosecutor's closing argument that fleeing from police was 'a way of life' constituted an improper propensity argument under Arkansas Rule of Evidence 404(b).
3. Whether the circuit court erred by admitting evidence of a prior stolen-key-fob incident involving Cash.
4. If admission of the stolen-key-fob evidence was erroneous, whether the error was harmless.

HOLDINGS

1. Cash could not challenge the admission of the portions of the jail call concerning her attorney's legal opinions because the challenged evidence was admitted at defense counsel's request.
2. The prosecutor's remark that fleeing from police was 'a way of life' was not an improper propensity argument because evidence of Cash's prior flights from police was admitted for permissible purposes, including intent and premeditated and deliberated purpose.
3. The stolen-key-fob evidence was not independently relevant to prove Cash's intent to flee or commit capital murder because Cash was not the driver during that incident; however, any error in admitting the evidence was harmless.

KEY QUOTATIONS

"We have repeatedly held under the invited-error rule that one who is responsible for error cannot be heard to complain of that for which she was responsible." (2026 Ark. 16, at 3)

"The prior bad act must be independently relevant to the main issue, in that it tends to prove some material point rather than merely proving that the defendant is a criminal." (2026 Ark. 16, at 5)

"When a circuit court errs in admitting evidence, this court may declare an evidentiary error harmless if the evidence of guilt is overwhelming and the error is slight." (2026 Ark. 16, at 5)

FACTUAL BACKGROUND

Cash was driving a Jeep Cherokee with Elijah Andazola after stealing mail from a mailbox. When police attempted to apprehend them, Cash fled, reversed into a patrol car, and then accelerated forward, striking and killing Pea Ridge Police Officer Kevin Apple. Cash was later arrested and convicted of capital murder, fleeing, obstruction of governmental operations, and two counts of aggravated assault. At trial, the court admitted a recorded jail call, allowed the prosecutor's challenged closing remark, and admitted evidence concerning a stolen key fob incident.

PROCEDURAL HISTORY

Following a jury trial, Cash was convicted of capital murder, fleeing, obstruction of governmental operations, and two counts of aggravated assault. The Benton County Circuit Court imposed an aggregate sentence of life imprisonment. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Grady v. State, 2023 Ark. 91
- Britton v. State, 2014 Ark. 192, 433 S.W.3d 856
- Mills v. State, 322 Ark. 647, 910 S.W.2d 682 (1995)
- De la Garza v. State, 2025 Ark. 10, 704 S.W.3d 627
- Gentry v. State, 2021 Ark. 26
- Collins v. State, 2019 Ark. 110, 571 S.W.3d 469
- Barrett v. State, 354 Ark. 187, 119 S.W.3d 485 (2003)