

SUPREME COURT OF ARKANSAS

Jones v. Huckabee, 369 Ark. 42

250 S.W.3d 241 (2007) · No. No. 06-620 · Decided February 15, 2007

SUMMARY

The Supreme Court of Arkansas affirmed summary judgment against Richard Emmett Jones in his civil-rights action concerning the Arkansas Crime Information Center's handling of sealed arrest records. The court held that Arkansas law defined expungement as sealing and confidentiality rather than physical destruction, and that the ACIC complied with the applicable court orders and statutes. The court also rejected respondeat superior liability for alleged unauthorized disclosure and held that Jones's constitutional challenge to the ACIC enabling statutes was not preserved for appellate review.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Annabelle Clinton Imber
JURISDICTION	Arkansas
DECIDED	February 15, 2007
DOCKET	No. 06-620
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Pulaski County Circuit Court's grant of summary judgment for the appellees in an action under 42 U.S.C. §§ 1983 and 1988 and the Arkansas Civil Rights Act concerning the sealing, retention, and alleged unauthorized dissemination of the appellant's arrest records.
STANDARD OF REVIEW	The court reviewed whether summary judgment was appropriate based on whether the evidentiary materials left a material fact unanswered, viewing the evidence in the light most favorable to the nonmoving party and resolving doubts and inferences against the moving party.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Richard Emmett Jones v. Mike Huckabee, Governor of the State of Arkansas, in his official capacity, Arkansas Crime Information Center, Charles Pruitt, in his official and individual capacities, John Does 1-20, in their official and individual capacities

TOPICS

civil rights

section 1983

statutory interpretation

preservation of error

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PRACTICE AREAS

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summary judgment

QUESTIONS PRESENTED

1. Whether the appellees were entitled to summary judgment on Jones's claim that the ACIC violated his civil rights by sealing and retaining, rather than physically destroying, his arrest records.
2. Whether the alleged unauthorized use or dissemination of Jones's arrest records supported civil-rights liability against the ACIC, its director, and the governor under respondeat superior.
3. Whether Jones's constitutional challenge to the ACIC enabling statutes was preserved for appellate review.

HOLDINGS

1. The ACIC complied with the municipal courts' orders and applicable Arkansas law by sealing and electronically segregating Jones's arrest records; expungement did not require physical destruction of the records.
2. Respondeat superior is not a basis for liability under either 42 U.S.C. § 1983 or the Arkansas Civil Rights Act of 1993.
3. The constitutional challenge was not preserved for appellate review because the circuit court made no specific ruling on the constitutionality of the statutes.

KEY QUOTATIONS

"'[E]xpunge' shall mean that the record or records in question shall be sealed, sequestered, and treated as confidential. . . . expunge' shall not mean the physical destruction of any records.'" (245)

"Absent a specific ruling on the constitutionality of a statute, we are precluded from addressing the issue on appeal." (246)

FACTUAL BACKGROUND

Jones was arrested in 1980 and 1995, and the charges from both arrests were dismissed. In 2001, municipal courts entered orders directing that the records be sealed, and the Arkansas Crime Information Center electronically segregated the records and restricted access to criminal justice agencies for criminal justice purposes. The courts later entered orders directing removal of the information, but Jones alleged that the ACIC unlawfully refused to physically destroy the records and that an unauthorized person accessed and posted them online.

PROCEDURAL HISTORY

The circuit court construed appellees' Rule 12(b)(6) motion as a motion for summary judgment and entered judgment against the named defendants on October 6, 2004. The Arkansas Supreme Court initially dismissed Jones's first appeal because the order was not final or appealable. After Jones voluntarily dismissed the remaining John Doe defendants and the circuit court dismissed them without prejudice, the second appeal was properly before the Supreme Court of Arkansas.

DISPOSITION

affirmed

CASES CITED

- Jones v. Huckabee, 363 Ark. 239, 213 S.W.3d 11 (2005)
- Jegley v. Picado, 349 Ark. 600, 80 S.W.3d 332 (2002)
- Keeper v. King, 130 F.3d 1309 (8th Cir. 1997)
- Smith v. State, 363 Ark. 456, 215 S.W.3d 626 (2005)
- Ayala v. State, 365 Ark. 192, 226 S.W.3d 766 (2006)
- Maddox v. City of Fort Smith, 346 Ark. 209, 56 S.W.3d 375 (2001)

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