

SUPREME COURT OF ARKANSAS

Leeka v. State

2015 Ark. 183 (2015) · No. CR-14-798 · Decided April 30, 2015

SUMMARY

The Supreme Court of Arkansas held that the Arkansas DWI statute requires proof of a culpable mental state under the Arkansas Criminal Code's general mens rea provisions. The court rejected the State's argument that the DWI offense was a strict-liability crime, reversed Leeka's conviction, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Courtney Hudson Goodson; Jim Hannah; Paul E. Danielson
JURISDICTION	Arkansas
DECIDED	April 30, 2015
DOCKET	CR-14-798
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Leeka appealed his DWI conviction from the Washington County Circuit Court to the Supreme Court of Arkansas, challenging the circuit court's legal ruling that the DWI statute did not require proof of a culpable mental state.
STANDARD OF REVIEW	De novo review of the legal issue of statutory interpretation.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Robert G. Leeka v. State of Arkansas

TOPICS

- statutory interpretation
- mens rea
- criminal procedure
- preservation of error
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether Leeka preserved for appeal his challenge to the requirement of a culpable mental state under the DWI statute without filing a motion to dismiss under Arkansas Rule of Criminal Procedure 33.1.
2. Whether Arkansas Code Annotated section 5-2-203 requires the State to prove a culpable mental state for a DWI offense under Arkansas Code Annotated section 5-65-103.

HOLDINGS

1. A motion to dismiss under Arkansas Rule of Criminal Procedure 33.1 is required to preserve a sufficiency-of-the-evidence challenge, but is not required when the defendant raises and obtains a ruling on an issue of law or statutory interpretation.
2. The State must prove a culpable mental state for a DWI offense under section 5-65-103 because Arkansas Code Annotated section 5-2-203 imputes a culpable mental state when the statute defining an offense does not prescribe one, and the exception in section 5-2-204(c)(2) does not apply to an offense contained in the Arkansas Criminal Code.

KEY QUOTATIONS

“The rule does not require such a motion where the defendant raises an issue of law or statutory interpretation.” (2015 Ark. 183 at 5)

“Thus, the legislature specifically chose to incorporate the DWI offense into the criminal code rather than allowing it to remain in Title 27, which would have kept it separate from the criminal code.” (2015 Ark. 183 at 7)

FACTUAL BACKGROUND

On August 5, 2013, a Springdale police officer observed Leeka driving recklessly, swerving, and running a red light. Leeka appeared confused and lethargic, lost his balance while exiting the vehicle, and admitted taking prescription medications. His breath test showed no alcohol, while blood testing showed only zolpidem, and a physician opined that he experienced sleep-driving as a known adverse reaction to Ambien.

PROCEDURAL HISTORY

The Springdale District Court found Leeka guilty of DWI. On appeal, the Washington County Circuit Court considered stipulated facts, found that no culpable mental state was required, entered judgment of conviction, and sentenced Leeka to one day in jail, a \$300 fine, and court costs. The Supreme Court of Arkansas held that the statutory-interpretation issue was preserved, reversed the circuit court's ruling, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the holding that the DWI offense requires proof of a culpable mental state.

CASES CITED

- T.C. v. State, 2010 Ark. 240, 364 S.W.3d 53
- Harrell v. City of Conway, 296 Ark. 247, 753 S.W.2d 542 (1988)
- Hagar v. State, 341 Ark. 633, 19 S.W.3d 16 (2000)
- Short v. State, 349 Ark. 492, 79 S.W.3d 313 (2002)
- Quinney v. Pittman, 320 Ark. 177, 895 S.W.2d 538 (1995)
- Corn v. Farmers Ins. Co., 2013 Ark. 444, 430 S.W.3d 655 (2013)
- State v. Owens, 370 Ark. 421, 260 S.W.3d 288 (2007)

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