

SUPREME COURT OF ARKANSAS

Ahbrae Jones v. State of Arkansas

78 S.W.3d 104, 349 Ark. 331 (2002) · No. CR 01-1312 · Decided June 20, 2002

SUMMARY

The Supreme Court of Arkansas affirmed Ahbrae Jones's convictions for aggravated robbery and theft of property and his life sentence. The court held that accomplice testimony was sufficiently corroborated by independent evidence, including eyewitness identifications, surveillance photographs, and a handgun recovered near Jones's arrest. The court also upheld the denial of a mistrial based on an inadvertent reference to Jones's parole status and permitted cross-examination concerning a defense witness's relationship with Jones.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Tom Glaze, Justice
JURISDICTION	Arkansas
DECIDED	June 20, 2002
DOCKET	CR 01-1312
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jones appealed his convictions for aggravated robbery and theft of property and his life sentence following a jury trial.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence for substantial evidence in the light most favorable to the State; evidentiary rulings for manifest abuse of discretion; the denial of a mistrial for abuse of discretion; and constitutional error for harmlessness beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Ahbrae Jones v. State of Arkansas

TOPICS

- criminal procedure
- evidence
- appellate procedure
- harmless error
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence independently corroborated accomplice Allan Smith's testimony and was sufficient to support Jones's convictions.
2. Whether the trial court abused its discretion by denying a mistrial after a witness inadvertently stated that Jones was on parole.
3. Whether the trial court erred by permitting the State to cross-examine defense witness Tommy McIntosh about meeting Jones in prison to establish bias.
4. Whether the trial court's comment regarding possible reversible error required a new trial.
5. Whether the denial of Jones's motion for new trial required reversal.

HOLDINGS

1. The evidence was sufficient to corroborate Smith's accomplice testimony because, with Smith's testimony eliminated, the store employees' identifications, surveillance photographs, and recovery of the handgun independently established the robbery and tended to connect Jones with it.
2. The trial court did not abuse its discretion by denying a mistrial after an officer inadvertently stated that Jones was on parole, particularly because the court offered an admonition and Jones expressly rejected it.
3. The inadvertent parole reference did not constitute constitutional comment on Jones's right not to testify; alternatively, any error was harmless beyond a reasonable doubt in light of the overwhelming evidence of guilt.
4. The trial court properly allowed the State to question McIntosh about meeting Jones in prison because the evidence was relevant to show McIntosh's friendship and potential bias.

KEY QUOTATIONS

“The test for determining the sufficiency of the corroborating evidence is whether, if the testimony of the accomplice were totally eliminated from the case, the other evidence independently establishes the crime and tends to connect the accused with its commission.” (108)

“Because the State is entitled to prove its case as conclusively as it can, see Regalado v. State, 331 Ark. 326, 961 S.W.2d 739 (1998), and because the evidence of where McIntosh and Jones met was relevant to proving McIntosh's bias, the trial court did not abuse its discretion in allowing the State to delve into this area of cross-examination.” (111)

FACTUAL BACKGROUND

A Blockbuster store in Little Rock was robbed by a man wearing a black hooded sweatshirt and carrying a gold-plated .25-caliber handgun. Accomplice Allan Smith testified that he drove Jones to the store, saw Jones raise a pistol, and later picked him up; store employees identified Jones or his photograph as resembling the robber. Police later arrested Jones and Smith and found a gold-plated handgun near the area where they had been sitting.

During trial, a police officer inadvertently stated that Jones was on parole, and the State cross-examined defense witness Tommy McIntosh about meeting Jones in prison to show bias.

PROCEDURAL HISTORY

Jones was tried and convicted in the circuit court of aggravated robbery and theft of property arising from the robbery of a Blockbuster store. The jury imposed a life sentence. The Supreme Court of Arkansas considered the sufficiency challenge first because of double-jeopardy considerations, then rejected Jones's claims concerning accomplice corroboration, denial of a mistrial, cross-examination of a defense witness, and denial of a new trial.

DISPOSITION

affirmed

CASES CITED

- Atkinson v. State, 347 Ark. 336, 64 S.W.3d 259 (2002)
- Engram v. State, 341 Ark. 196, 15 S.W.3d 678 (2000), cert. denied, 531 U.S. 1081 (2001)
- Martin v. State, 346 Ark. 198, 57 S.W.3d 136 (2001)
- Meeks v. State, 317 Ark. 411, 878 S.W.2d 403 (1994)
- McGehee v. State, 338 Ark. 152, 992 S.W.2d 110 (1999)
- Marta v. State, 336 Ark. 67, 983 S.W.2d 924 (1999)
- Peeler v. State, 326 Ark. 423, 932 S.W.2d 312 (1996)
- Flowers v. State, 342 Ark. 45, 25 S.W.3d 422 (2000)
- Johnson v. State, 303 Ark. 12, 792 S.W.2d 863 (1990)
- Hogue v. State, 323 Ark. 515, 915 S.W.2d 276 (1996)
- Daniels v. State, 308 Ark. 53, 821 S.W.2d 778 (1992)
- Brown v. State, 320 Ark. 201, 895 S.W.2d 909 (1995)
- Bragg v. State, 328 Ark. 613, 946 S.W.2d 654 (1997)
- Strawhacker v. State, 304 Ark. 726, 804 S.W.2d 720 (1991)
- Cobbs v. State, 292 Ark. 188, 728 S.W.2d 957 (1987)
- Novak v. State, 287 Ark. 271, 698 S.W.2d 499 (1985)
- Hall v. State, 314 Ark. 402, 862 S.W.2d 268 (1993)
- Chapman v. California, 386 U.S. 18, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)
- Bledsoe v. State, 344 Ark. 86, 39 S.W.3d 760 (2001)
- Henry v. State, 309 Ark. 1, 828 S.W.2d 346 (1992)
- Fultz v. State, 333 Ark. 586, 972 S.W.2d 222 (1998)
- Fowler v. State, 339 Ark. 207, 5 S.W.3d 10 (1999)
- Pyle v. State, 314 Ark. 165, 862 S.W.2d 823 (1993)
- Goodwin v. State, 263 Ark. 856, 568 S.W.2d 3 (1978)

- United States v. Abel, 469 U.S. 45, 105 S. Ct. 465, 83 L. Ed. 2d 450 (1984)
- Regalado v. State, 331 Ark. 326, 961 S.W.2d 739 (1998)
- Kail v. State, 341 Ark. 89, 14 S.W.3d 878 (2000)

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