

SUPREME COURT OF ARKANSAS

Hill v. State

546 S.W.3d 483 (Ark. 2018) · Decided May 31, 2018

SUMMARY

The Arkansas Supreme Court affirmed Jonathan Ryan Hill’s convictions and life sentence for aggravated residential burglary. The court held that substantial evidence supported the conviction and that the circuit court properly excluded proposed character evidence, admitted text messages and related lay-opinion testimony, and limited impeachment of an investigating officer. Justice Hart dissented, concluding that Hill should have been permitted to cross-examine the officer with a prior inconsistent statement concerning DNA evidence.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	John Dan Kemp, Chief Justice
JURISDICTION	Arkansas
DECIDED	May 31, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hill appealed his jury conviction and life sentence for aggravated residential burglary, challenging the sufficiency of the evidence and several evidentiary rulings.
STANDARD OF REVIEW	A directed-verdict motion is a challenge to the sufficiency of the evidence. The court views the evidence supporting the conviction in the light most favorable to the State and determines whether substantial evidence supports the verdict. Evidentiary rulings, including rulings on character evidence, admission of text messages, lay opinion testimony, and impeachment, are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jonathan Ryan Hill v. State

TOPICS

- criminal procedure
- evidence
- impeachment
- appellate procedure
- standard of review

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate practice

QUESTIONS PRESENTED

1. Whether substantial evidence supported Hill's conviction for aggravated residential burglary.
2. Whether the circuit court erred in excluding testimony about Dillard's alleged sexual assaults and reputation for trading sex for drugs.
3. Whether the circuit court abused its discretion by admitting text messages from Hill's cell phone and lay testimony interpreting slang in those messages.
4. Whether the circuit court abused its discretion by preventing Hill from cross-examining Officer Woodward with an alleged prior inconsistent statement concerning DNA from the shotgun.

HOLDINGS

1. The circuit court properly denied Hill's directed-verdict motions because Salvo's testimony constituted substantial evidence that Hill unlawfully remained in a residential occupiable structure intending to commit an imprisonable offense while armed with a deadly weapon and attempting to inflict serious physical injury.
2. The circuit court did not abuse its discretion by excluding testimony from other women concerning specific instances of Dillard's alleged sexual misconduct and reputation.
3. The circuit court did not abuse its discretion by admitting text messages from Hill's cell phone or Investigator Kennedy's lay-opinion testimony interpreting drug terminology and the phrase "jack move."
4. The circuit court did not commit reversible error by preventing Hill from impeaching Officer Woodward with the alleged prior inconsistent statement because the jury heard the substance of the statement through Wright's testimony, and Hill could not complain about receiving the relief he requested.

KEY QUOTATIONS

"Substantial evidence is evidence that is forceful enough to compel a conclusion beyond suspicion or conjecture." (486)

"Although the proffered witness testimony would have provided evidence of specific instances of conduct to show the reason that Hill entered the home, it would not have provided specific instances to show the reason that Hill entered or remained unlawfully in Salvo's bedroom." (488)

"We cannot say that the circuit court abused its discretion in allowing the officer to give his lay-opinion testimony about the drug terminology in Hill's text messages because the circuit court determined that the officer possessed some experience in that area." (489)

FACTUAL BACKGROUND

During an alleged home invasion, Donna Salvo testified that Hill entered her bedroom, demanded pills and money, grabbed a shotgun, pointed it at her, and pulled the trigger, although the gun did not fire. Hill then

pointed the shotgun at Cornelia Dillard, who fired a pistol, after which Hill fled through a window and later sought treatment for a gunshot wound. Police found physical evidence at the residence, and Salvo identified Hill in a photographic lineup. Text messages recovered from Hill's phone referred to obtaining narcotics and making a "jack move," which the State used to corroborate Salvo's account and establish motive.

PROCEDURAL HISTORY

The State filed an amended felony information charging Hill as a habitual offender with aggravated robbery, aggravated residential burglary, and aggravated assault. After a jury trial in the Faulkner County Circuit Court, Hill was convicted of aggravated residential burglary and sentenced to life imprisonment; he was acquitted of aggravated robbery and aggravated assault. The circuit court denied Hill's directed-verdict motions and ruled against him on the challenged evidentiary issues. The Arkansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Marshall v. State, 2017 Ark. 347, 532 S.W.3d 563
- Sweet v. State, 2011 Ark. 20, 370 S.W.3d 510
- Kinsey v. State, 2016 Ark. 393, 503 S.W.3d 772
- Salley v. State, 303 Ark. 278, 796 S.W.2d 335 (1990)
- Moore v. State, 323 Ark. 529, 915 S.W.2d 284 (1996)
- Wyles v. State, 357 Ark. 530, 182 S.W.3d 142 (2004)