

SUPREME COURT OF ARKANSAS

David O. Standridge v. State of Arkansas

161 S.W.3d 815, 357 Ark. 105 (2004) · No. CR 03-558 · Decided April 29, 2004

SUMMARY

The Supreme Court of Arkansas affirmed David Standridge’s convictions for rape, third-degree carnal abuse, and incest. The court held that the evidence was sufficient to establish his identity, upheld exclusion of certain evidence under the Arkansas rape-shield statute, and rejected his speedy-trial, double-jeopardy, confession-suppression, and mistrial arguments. The opinion also addressed the voluntariness and Miranda waiver issues surrounding Standridge’s custodial statement.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Tom Glaze
JURISDICTION	Arkansas
DECIDED	April 29, 2004
DOCKET	CR 03-558
DISPOSITION	affirmed
PROCEDURAL POSTURE	Standridge appealed his jury convictions for rape, third-degree carnal abuse, and incest, challenging the sufficiency of the evidence, evidentiary rulings under Arkansas's rape-shield statute, speedy-trial calculation, double-jeopardy issues, admission of his custodial statement, and denial of a mistrial.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed to determine whether substantial evidence supports the conviction. Rape-shield evidentiary rulings are reviewed for clear error or manifest abuse of discretion. Voluntariness of a confession is reviewed independently based on the totality of the circumstances. A mistrial ruling is reviewed for abuse of discretion or manifest prejudice. Preserved legal issues are reviewed under the applicable constitutional or rule-based standard, and unpreserved arguments are not considered for the first time on appeal.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	David O. Standridge v. State of Arkansas

TOPICS

criminal procedure

speedy trial

double jeopardy

suppression of evidence

PRACTICE AREAS

criminal procedure

criminal evidence

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to identify Standridge as the person who committed the charged offenses and to sustain his convictions.
2. Whether the trial court improperly excluded evidence concerning the victim's prior allegations of sexual abuse against another person under Arkansas's rape-shield statute.
3. Whether the trial court improperly restricted cross-examination concerning the victim's mother's prior sexual-abuse accusation against her father.
4. Whether Standridge was denied his right to a speedy trial under Arkansas Rules of Criminal Procedure 28.1 and 28.2.
5. Whether the rape, third-degree carnal abuse, and incest charges constituted the same offense for double-jeopardy purposes.
6. Whether Standridge's custodial statement was involuntary or obtained without a knowing and intelligent waiver of Miranda rights.
7. Whether the trial court abused its discretion by denying a mistrial based on a comment to a prospective juror concerning advocacy for children.

HOLDINGS

1. The evidence was sufficient to establish that Standridge was the person who committed the offenses. The defendant's identity may be inferred from the totality of the facts and circumstances, and the victim's uncorroborated testimony may alone sustain a rape conviction.
2. The trial court properly excluded evidence of the victim's prior allegations of sexual conduct against another person because the victim asserted that those allegations were true, bringing the evidence within Arkansas Code Annotated section 16-42-101(b).
3. The trial court did not improperly exclude evidence concerning the mother's prior accusation against her father because that evidence concerned the mother's bias and credibility, not the victim's prior sexual conduct, and the court permitted Standridge to pursue that line of questioning.
4. Standridge was brought to trial within the twelve-month speedy-trial period after excluding 140 days attributable to defense continuances and pretrial proceedings.
5. Trying and convicting Standridge for rape, third-degree carnal abuse, and incest in a single proceeding did not violate double jeopardy because each offense required proof of an element that the others did not.

6. The trial court properly denied suppression of Standridge's statement because the State established that it was voluntarily given after a knowing and intelligent waiver of Miranda rights, and Standridge failed to show a nexus between police coercion and his confession.
7. The trial court did not abuse its discretion by denying a mistrial after commenting that it hoped most adults would be advocates for children because the court immediately emphasized impartiality and fairness, and Standridge did not request a curative instruction.

KEY QUOTATIONS

“In order to determine whether a waiver of Miranda rights is voluntary, this court looks to see if the confession was the product of free and deliberate choice rather than intimidation, coercion, or deception.”

(161 S.W.3d at 824)

“The proper inquiry is whether the defendant's will has been overborne or his capacity for self-determination critically impaired.” (161 S.W.3d at 825)

FACTUAL BACKGROUND

Standridge was accused by his wife and stepdaughter of sexually abusing the stepdaughter. He was arrested on July 11, 2001, later charged with rape, third-degree carnal abuse, and incest, and gave police a custodial statement admitting sexual conduct with the victim after signing a form acknowledging his Miranda rights. At trial, the victim and her mother identified him as the defendant, and the victim testified about the sexual acts; the jury convicted him of all three offenses.

PROCEDURAL HISTORY

Standridge was arrested on July 11, 2001, and charged with rape; he was later also charged with third-degree carnal abuse and incest. After a jury trial beginning November 13, 2002, he was convicted on all three counts and sentenced to twenty-five years for rape, twenty-five years for incest, and six years for carnal abuse. The Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Grillot v. State, 353 Ark. 294, 107 S.W.3d 136 (2003)
- Womack v. State, 301 Ark. 193, 783 S.W.2d 33 (1990)
- Moore v. State, 297 Ark. 296, 761 S.W.2d 894 (1988)
- Williams v. State, 308 Ark. 620, 825 S.W.2d 826 (1992)
- Becker v. State, 298 Ark. 438, 768 S.W.2d 527 (1989)
- Jones v. State, 348 Ark. 619, 74 S.W.3d 663 (2002)
- Russey v. State, 336 Ark. 401, 985 S.W.2d 316 (1999)

- Williams v. State, 331 Ark. 263, 962 S.W.2d 329 (1998)
- Martin v. State, 354 Ark. 289, 119 S.W.3d 504 (2003)
- Taylor v. State, 355 Ark. 267, 138 S.W.3d 684 (2003)
- Miles v. State, 348 Ark. 544, 75 S.W.3d 677 (2002)
- Jackson v. State, 334 Ark. 406, 976 S.W.2d 370 (1998)
- McConaughy v. State, 301 Ark. 446, 784 S.W.2d 768 (1990)
- Cox v. State, 299 Ark. 312, 772 S.W.2d 336 (1989)
- Goston v. State, 326 Ark. 106, 930 S.W.2d 332 (1996)
- Strickland v. State, 331 Ark. 402, 962 S.W.2d 769 (1998)
- Walker v. State, 353 Ark. 12, 110 S.W.3d 752 (2003)
- Fletcher v. State, 318 Ark. 298, 884 S.W.2d 623 (1994)
- United States v. Wilson, 420 U.S. 332, 95 S. Ct. 1013, 43 L. Ed. 2d 232 (1975)
- Hughes v. State, 347 Ark. 696, 66 S.W.3d 645 (2002)
- Craig v. State, 314 Ark. 585, 863 S.W.2d 825 (1993)
- Blockburger v. United States, 284 U.S. 299, 52 S. Ct. 180, 76 L. Ed. 306 (1932)
- Gaines v. State, 354 Ark. 89, 118 S.W.3d 102 (2003)
- Cox v. State, 345 Ark. 391, 47 S.W.3d 244 (2001)
- Howell v. State, 350 Ark. 552, 89 S.W.3d 343 (2002)
- Colorado v. Connelly, 479 U.S. 157, 107 S. Ct. 515, 93 L. Ed. 2d 473 (1986)
- Hill v. State, 344 Ark. 216, 40 S.W.3d 751 (2001)
- Johnson v. State, 71 Ark. App. 58, 25 S.W.3d 445 (2000)
- Howard v. State, 348 Ark. 471, 79 S.W.3d 273 (2002)
- Jones v. State, 340 Ark. 390, 10 S.W.3d 449 (2000)
- Moore v. State, 355 Ark. 657, 144 S.W.3d 260 (2004)
- Jones v. State, 349 Ark. 331, 78 S.W.3d 104 (2002)
- Hall v. State, 314 Ark. 402, 862 S.W.2d 268 (1993)
- Walker v. State, 353 Ark. 12, 110 S.W.3d 752 (2003)