

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR 10-897

CHARLES ISAAC WILSON, JR.
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered May 25, 2011

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT,
FORT SMITH DISTRICT
[NO. CR-2009-464]

HONORABLE JAMES O. COX, JUDGE

AFFIRMED; MOTION DENIED

ROBIN F. WYNNE, Judge

Charles Wilson appeals his conviction for delivery of cocaine, arguing that there was not sufficient evidence to support the conviction. We affirm.

Wilson was arrested for the delivery of cocaine on April 9, 2009, after a confidential informant, Shantelle Phillips, notified police that she would be able to buy drugs from Wilson that afternoon. Detectives testified that Shantelle Phillips, who has been arrested twice for prostitution and other drug charges, is one of the Fort Smith Police Department's best informants.

Detective Greg Napier and Detective Eric Fairless met Phillips at a motel, and Phillips claims that an officer searched her "from head to toe." On cross-examination, however, she said the officer did not touch her chest, stomach, or hips and did not look in her shoes.

Phillips was given a recording device and \$100 in buy money, and she waited for Wilson at the motel. Detectives testified that she was never out of the sight of police. Wilson drove up, and she got in his car, got out, and walked back to the police as Wilson drove away. Phillips gave police the drugs and the recording device. She no longer had the buy money. Wilson was subsequently arrested.

Throughout the trial, Wilson presented evidence of his perceived shortcomings of the State's case. First, he brought out the inconsistencies in Detective Napier's report. For example, Corporal Whitson was listed as the officer that met with Phillips instead of Detective Fairless. Additionally, the report notes that Napier did a very thorough search of Phillips, although Napier admitted on cross-examination that he did not search parts of her body. Finally, Wilson noted that the audio recording of the controlled buy was poor.

After hearing the evidence, a jury convicted Wilson of delivery of cocaine and being a habitual offender. He was sentenced to forty years in prison with an additional twenty years suspended. Wilson filed a timely appeal.

Wilson now challenges the sufficiency of the evidence to convict. The test for determining the sufficiency of the evidence is whether there is substantial evidence to support the verdict. *Bryant v. State*, 2011 Ark. App. 348, 384 S.W.3d 46. Evidence is substantial if it is of sufficient force and character to compel reasonable minds to reach a conclusion and pass beyond suspicion and conjecture. *Id.* In reviewing a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State and consider only the

evidence that supports the verdict. *Id.* In considering the evidence, we will not weigh the evidence or assess credibility, as those are questions for the finder of fact. *Id.*

While there are concerns regarding the thoroughness of the search conducted on the informant and the report that was written, Wilson made the jury aware of these facts. The jury has the duty to weigh evidence, assess the credibility of witnesses, and resolve questions of conflicting testimony and inconsistent evidence. *Jackson v. State*, 2010 Ark. App. 359, 374 S.W.3d 857. After doing so, the jury found Wilson guilty of the charges. We find that the jury had sufficient evidence to convict.

Wilson has also filed a motion for rehearing of his previously denied motion to file a pro se supplemental brief. Because Wilson is represented by counsel, this court denied the underlying motion on March 9, 2011. Wilson remains represented by counsel, and his motion for rehearing is hereby denied.

Affirmed; motion denied.

VAUGHT, C.J., and PITTMAN, J., agree.