

## ARKANSAS COURT OF APPEALS

DIVISION II

No. CV-13-99

E.S.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered JUNE 5, 2013

APPEAL FROM THE CRAIGHEAD  
COUNTY CIRCUIT COURT,  
WESTERN DISTRICT  
[NO. JV-10-323]

HONORABLE LEE FERGUS, JUDGE

AFFIRMED

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**KENNETH S. HIXSON, Judge**

E.S. appeals from an adjudication of delinquency by the Juvenile Division of the Circuit Court of Craighead County on a finding that she was an accomplice to the crime of disorderly conduct. She challenges the sufficiency of the evidence used to adjudicate her as a delinquent. We find no error, and we affirm.

Appellant was one in a group of four females involved in an extended altercation with Lakeshia Williams and her two daughters. Ms. Williams testified at the hearing that appellant and three other girls came to her home and confronted her daughters. This was part of an ongoing dispute. Ms. Williams testified that the verbal dispute became physical, and one of the four females sprayed mace. E.S. and the three girls ran to the car and drove away. Ms. Williams and her daughters followed the group, and a second confrontation occurred.



Ms. Williams testified that during this second altercation, appellant sprayed mace. Appellant denied being involved in the altercation or spraying mace.

The State charged appellant with disorderly conduct. A bench trial was held, and at the close of the State's case, appellant moved for a directed verdict. At the close of her case, she renewed her motion. She was adjudicated delinquent for being an accomplice to the crime of disorderly conduct. Her disposition included supervised probation, forty hours of public service, thirty days in juvenile detention with twenty-nine suspended with one to serve and one already served, an 8:00 p.m. curfew, \$35 in court costs, \$36 drug-testing fee, \$20 per month probation fee, and an assessment for outpatient counseling. She was also to have no contact with certain named individuals. She brings this appeal challenging the sufficiency of the evidence.

A motion for directed verdict is a challenge to the sufficiency of the evidence. *K.A.S. v. State*, 2013 Ark. App. 236, at 2. In juvenile cases, the sufficiency-of-the-evidence standard is the same as the one used in criminal cases. *Id.* The adjudication will be upheld if substantial evidence exists to support it. *Id.* Substantial evidence is evidence that is of sufficient force and character to compel reasonable minds to a conclusion without reliance on speculation or conjecture. *Id.* On appeal, evidence is considered in the light most favorable to the State, and only evidence supporting the verdict is considered. *Id.* The appellate court does not weigh the credibility of the witnesses; that is for the fact-finder. *Id.*

Arkansas Code Annotated section 5-71-207 (Supp. 2011) states that a person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience,



annoyance, or alarm, he or she engages in fighting or in violent, threatening or tumultuous behavior. Arkansas Code Annotated section 5-2-403 (Repl. 2006) states that a person is an accomplice of another person in the commission of an offense if, with the purpose of promoting or facilitating the commission of an offense, the person solicits, advises, encourages, or coerces the other person to commit the offense.

Appellant contended that she did not know that the three other girls with whom she was riding in the car were going to someone's house to fight, but that she was just riding around with them. She argued that in order to be convicted of being an accomplice, the State must have proved that she solicited, advised, encouraged, coerced, aided, agreed to aid, or attempted to aid the principal to commit the crime. She contended that mere presence or acquiescence at the crime scene was not enough. She argued that no evidence was presented that she engaged in any behavior that would make her an accomplice; rather, she was just present at the crime scene.

The court found that she was an encouragement to one of the girls in the altercation. Testimony existed that she was involved in and encouraged the altercation. Conflicting testimony existed as to whether appellant actually sprayed mace. Appellant testified that she neither sprayed mace nor engaged in the altercation; rather, she stated that she was just riding around with the girls.

The court chose to believe the testimony that appellant encouraged the fight, and it found her guilty of disorderly conduct. This court does not weigh the credibility of the



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witnesses; that is for the fact-finder. In the case at bar, sufficient evidence existed for the court to find that appellant was an accomplice to disorderly conduct; therefore, we affirm.

Affirmed.

GLADWIN, C.J., and BROWN, J., agree.

*Terry Goodwin Jones*, for appellant.

*Dustin McDaniel*, Att’y Gen., by: *Kathryn Henry*, Ass’t Att’y Gen., and *Margaret Ward*, Law Student Admitted to Practice Pursuant to Rule XV of the Rules Governing Admission to the Bar of the Supreme Court under the supervision of *Darnisha Evans Johnson*, Deputy Att’y Gen., for appellee.