

ARKANSAS COURT OF APPEALS

DIVISIONS I & IV

No. CR-15-72

J.F.

APPELLANT

Opinion Delivered November 12, 2015

V.

STATE OF ARKANSAS

APPELLEE

APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT,
WESTERN DISTRICT
[NO. JV-2009-114]

HONORABLE LEE FERGUS, JUDGE

REVERSED

BART F. VIRDEN, Judge

This appeal is one of four cases to come before this court involving four juveniles who were tried together as codefendants on charges of theft by receiving, a Class C felony, and minor in possession.¹ Appellant's sole point on appeal is that the circuit court erred by failing to grant his motion to dismiss² because the only evidence of his guilt came from the testimony of a codefendant.

We reverse appellant's adjudication based on the analysis in a companion opinion decided October 28, 2015, *D.F. v. State*, 2015 Ark. App. 656.; therefore, we adopt and incorporate herein by reference the reasoning set forth in the companion case.

Reversed.

¹*I.G. v. State*, CR-15-74, *D.F. v. State*, CR-15-78 and *A.I.M. v. State*, CR-15-79.

²Although appellant made a motion for a directed verdict during the adjudication and argues on appeal error in denial of the motion for a directed verdict, a motion for dismissal is generally made during a nonjury trial. Ark. R. Crim. P. 33.1 (2014).

Cite as 2015 Ark. App. 641

HARRISON, KINARD, GLOVER, AND BROWN, JJ., agree.

GLADWIN, C.J., dissents.

ROBERT J. GLADWIN, Chief Judge, dissenting. I dissent based on the same rationale expressed in *D.F. v. State*, 2015 Ark. App. 656.

Terry Goodwin Jones, for appellant.

Leslie Rutledge, Att’y Gen., by: *Kristen C. Green*, Ass’t Att’y Gen., for appellee.