Cite as 2011 Ark. App. 102

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR 10-475

	Opinion Delivered February 9, 2011
DONALD AURELINS WARREN APPELLANT	APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, FOURTH DIVISION [NO. CR-2009-2877]
V.	
	HONORABLE HERBERT. WRIGHT JR., JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

ROBIN F. WYNNE, Judge

Appellant Donald Warren appeals following his convictions for first-degree criminal mischief and second-degree assault. Specifically, appellant contends that the State failed to provide sufficient evidence to support the criminal-mischief conviction. We affirm.

At the jury trial held on January 7, 2010, Tamara Bowman testified that she worked as a shift supervisor at McDonald's on Cantrell Road and that appellant had been one of her employees. Appellant's employment ended sometime in June of 2009 after he walked out during a shift. On June 23, 2009, the unemployment office contacted Ms. Bowman and asked her to draft a statement regarding appellant's last day on the job. Ms. Bowman did so, and on the following day, appellant came to McDonald's to confront Ms. Bowman about what she had written. She testified that appellant asked her why she had told the unemployment office

that he had quit his job, and she told him that walking out on his shift meant that he had quit. Appellant then said, "Bitch, I should kick your ass," and spit in Ms. Bowman's face.

Appellant then ran outside, and Ms. Bowman and three other employees followed him to see which direction he had gone. Ms. Bowman testified that she had gone to the trunk of her car for a towel to wipe her face when she saw appellant running up to her car. She and Nadine Ikiliagwu, another employee, got inside Ms. Bowman's car as appellant began striking her windows with what she called a crowbar. Ms. Bowman testified that appellant struck her windshield three times, causing the glass to shatter, and struck her back window, creating a large hole. The resulting damage cost over $600 to repair. Much of the incident was caught on surveillance video, both inside and outside the McDonald's. The video was played for the jury while Ms. Bowman narrated.

Officer Peter Hudson of the Little Rock Police Department testified that he responded to the McDonald's following the incident. He stated that he made contact with Ms. Bowman, who appeared to be very upset, and that she told him a former employee had just broken her car windows. Officer Hudson observed that Ms. Bowman had glass fragments in her hair and on her clothes. Another employee who was with Ms. Bowman also had glass fragments in her hair. The front and rear windows of Ms. Bowman's car were shattered. He also noted that there were glass fragments inside the vehicle. Officer Hudson then made contact with appellant, who had a gash in the palm of his left hand. The officer testified that he later viewed the surveillance video, which showed appellant using the crowbar with his left hand.

Appellant claimed, however, that Ms. Bowman had stabbed him in his left hand.

Nadine Ikiliagwu testified that she was working on the grill at McDonald's on June 24 when appellant came to confront Ms. Bowman. She stated that Ms. Bowman returned from speaking with appellant at the front of the store with spit on her face and that the two women then walked outside to see where appellant had gone. Ms. Ikiliagwu testified that she was still holding the metal grill scraper she had been using inside the store. Ms. Ikiliagwu walked with Ms. Bowman to the trunk of her car to get something to wipe her face when appellant came "from out of nowhere." She and Ms. Bowman got inside the car when they saw appellant approach. Ms. Ikiliagwu stated that appellant used a crowbar with his left hand to smash the car windows.

Finally, Linda Gann, a customer service representative for Safelite Auto Glass, testified that Ms. Bowman brought her vehicle to Safelite to have the windshield and back window replaced. The total cost of the repair work was approximately $660.

After the State rested, appellant's counsel moved for directed verdict. With regard to the charge of criminal mischief, he argued that the State had not proven that appellant purposely broke the windows. That portion of the motion was denied, and appellant rested without presenting any evidence. The directed-verdict motion was renewed and, again, denied. The jury found appellant guilty of first-degree criminal mischief—a Class C felony—and second-degree assault. The circuit court entered its judgment and commitment order on January 25, 2010, and appellant filed a timely notice of appeal on February 11, 2010.

Appellant's sole argument on appeal is that the criminal-mischief verdict was not supported by sufficient evidence. A motion for directed verdict is considered a challenge to the sufficiency of the evidence. *Ross v. State*, 346 Ark. 225, 230, 57 S.W.3d 152, 156 (2001). In such a challenge, a defendant must inform the trial court of the specific basis for the challenge; arguments not raised at trial will not be addressed for the first time on appeal. *Morris v. State*, 86 Ark. App. 78, 83, 161 S.W.3d 314, 317 (2004). A defendant is bound on appeal by the scope and nature of the objections and arguments presented at trial. *Id.*

The test for determining the sufficiency of the evidence is whether substantial evidence supports the verdict. *Ross*, *supra*. Substantial evidence is direct or circumstantial evidence that is of sufficient certainty and precision to compel a conclusion one way or the other which passes beyond mere speculation and conjecture. *Id.* On appeal, this court will not weigh the evidence or assess the credibility of witnesses, as those are matters for the jury. *Rains v. State*, 329 Ark. 607, 612, 953 S.W.2d 48, 51 (1997). The existence of criminal intent or purpose is also a matter for the jury when criminal intent may be reasonably inferred from the evidence. *Kendrick v. State*, 37 Ark. App. 95, 98, 823 S.W.2d 931, 933 (1992). We view the evidence in the light most favorable to the appellee and consider only the evidence that supports the verdict. *Rains*, 329 Ark. at 613, 953 S.W.2d at 52.

A person commits first-degree criminal mischief if he purposely and without legal justification destroys or causes damage to any property of another. Ark. Code Ann. § 5-38-203(a)(1) (Repl. 2006). This offense is considered a Class C felony if the amount of actual

damage is $500 or more. *Id.* § 5-38-203(b)(1) (Repl. 2006). A person acts purposely with respect to his conduct or a result of his conduct when it is the person's conscious object to engage in conduct of that nature or to cause the result. *Id.* § 5-2-202(1) (Repl. 2006). A person is presumed to intend the natural and probable consequences of his acts, and the factfinder may draw upon common knowledge and experience to infer a person's intent from the attendant circumstances. *Harmon v. State*, 340 Ark. 18, 27, 8 S.W.3d 472, 477 (2000).

In this case, it is undisputed that appellant used a crowbar or similar object to smash the windshield and back window of Ms. Bowman's car and that the total cost of the damage was over $500. Ms. Bowman's and Ms. Ikiliagwu's statements were consistent with each other and with the surveillance video of the incident, and Officer Hudson's observations supported their testimony. The only element in dispute is whether appellant acted purposely. Although it can be difficult to determine an actor's state of mind, because a person is presumed to intend the natural and probable consequences of his actions, it was fair for the jury to presume that appellant purposely broke Ms. Bowman's windows when he repeatedly swung a long, heavy metal object at them. Furthermore, appellant's statement to Ms. Bowman immediately prior to smashing her windows—that he should "kick [her] ass"—demonstrated his anger and indicated a desire to express that anger with violence. Considering this evidence, the jury was free to draw upon its own knowledge and experience to infer that appellant acted purposely. As a whole, the evidence was sufficient to compel reasonable minds to reach a conclusion about appellant's guilt without resorting to speculation.

In his brief, appellant claims to have merely reacted to Ms. Bowman's and Ms. Ikiliagwu's actions and thus argues that he did not have the requisite mental state to commit the crime of which he was accused. This appears to be an attempt to argue that he was justified in his actions. However, appellant does not support that claim with citation to authority or convincing argument beyond that blanket statement. It is well settled that we will not reach the merits of an argument on appeal when the appellant presents no citation to authority or convincing argument in its support. *Harrison v. State*, 371 Ark. 652, 657–58, 269 S.W.3d 321, 325 (2007). Moreover, justification was not argued before the circuit court as support for appellant's motion for directed verdict. Therefore, we need not address this argument on appeal.

Affirmed.

ROBBINS and GLOVER, JJ., agree.