

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR09-370

ANTONIO DANIELS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered MARCH 3, 2010

APPEAL FROM THE DREW COUNTY
CIRCUIT COURT
[CR-08-14-3]

HONORABLE ROBERT BYNUM
GIBSON, JR., JUDGE

AFFIRMED

RITA W. GRUBER, Judge

Antonio Daniels was charged by felony information with two counts of delivery of cocaine: the first was allegedly committed on October 20, 2007, and the second on January 7, 2008. A jury found Daniels guilty of the second count only, for which he was sentenced to 216 months' imprisonment. He contends on appeal that the evidence was insufficient to support the conviction. We affirm.

The test for determining the sufficiency of the evidence is whether the verdict is supported by substantial evidence, direct or circumstantial; substantial evidence is evidence forceful enough to compel a conclusion one way or the other beyond suspicion or conjecture. *Caldwell v. State*, 2009 Ark. App. 526, 334 S.W.3d 82. Decisions regarding the credibility of witnesses are for the trier of fact; we do not weigh the evidence presented at trial or the credibility of the witnesses. *Id.* In reviewing a challenge to the sufficiency of the evidence,

the appellate court views the evidence in a light most favorable to the State and considers only the evidence that supports the verdict. *Cluck v. State*, 365 Ark. 166, 226 S.W.3d 789 (2006).

A motion for directed verdict shall state the specific grounds therefor. Ark. R. Crim. P. 33.1(a). A directed-verdict motion is not preserved for review if it “failed to state with specificity what the flaws were or why certain witnesses lacked credibility.” *Williamson v. State*, 2009 Ark. 568, at 7, 350 S.W.3d 787, 791 (citing *Elkins v. State*, 374 Ark. 399, 402, 288 S.W.3d 570, 573 (2008)).

Special Agent Steven Carter of the 10th Judicial District Task Force and Alex Rayford, a confidential informant, testified regarding the two controlled drug buys of crack cocaine that led to the charges against Daniels. Carter testified that he always took precautions with confidential informants before they made controlled buys. He explained that he searched informants “to make sure they are not trying to set somebody up or saying they’re going to go buy dope and then come back with some dope in their hand.” He stated, “We . . . search them and we equip them with a little small hidden camera and then we sent them out to make the buys. I mean you can’t dispute the video.” He said that the informants “do not mess with the video” and are not shown how it works.

Carter testified that the camera made it unnecessary to follow confidential informants, which had been the practice in the past, and that he knew from the video that Rayford had not stopped anywhere. Carter testified that Rayford was a street dealer who agreed to work

for the task force in exchange for charges being dropped because he had been caught selling cocaine. Carter testified regarding procedures he followed on October 20, 2007, in searching Rayford and his vehicle before the buy: Carter searched Rayford's pockets to make sure they contained no drugs, money, or weapons; searched the vehicle's console; and searched under the seats, visors, and floor mats. Carter stated that he took similar precautions when he searched Rayford on January 7, 2008. Carter said that Rayford left him, went to Daniels's house, came right back, and after both the October and January buys, brought Carter "the evidence," *i.e.*, the crack cocaine.

Rayford testified that he made controlled drug buys on October 20, 2007, and on January 7, 2008, "working with a camera" that Agent Carter put on him. Rayford testified that the videotapes, introduced into evidence through his testimony and played for the jury, showed him buying cocaine from Daniels on each date.

At the conclusion of the State's case, Daniels moved for "directed verdict, insufficient evidence." He rested without putting on a case, and he did not renew his motion. Daniels was not required to renew his directed-verdict motion after resting without presenting any evidence, but his general and non-specific motion constitutes a waiver of appellate review. *See Williamson*, 2009 Ark. 568, at 6, 350 S.W.3d at 790. Therefore, we do not address the sufficiency of the evidence, and we affirm the conviction.

Affirmed.

VAUGHT, C.J., and KINARD, J., agree.