

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR09-1213

ANTHONY WILLIAMSON
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered SEPTEMBER 15, 2010

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT
[CR-08-1236]

HONORABLE STEPHEN TABOR,
JUDGE

AFFIRMED

RITA W. GRUBER, Judge

Appellant Anthony Williamson was convicted by a jury of aggravated robbery and kidnapping, for which he was given consecutive sentences of ten and twenty years' imprisonment. He argues on appeal that there was insufficient evidence to sustain his convictions. We disagree and affirm.

Testimony at trial revealed that at 8:15 a.m. on May 8, 2007, Jackie Moran arrived for work at Ace Cash Express, where she was the store manager. She turned off the alarm and went into the restroom. She explained that the restroom was for employees only, that the public had no access to the restroom, and that it was located behind a "man trap"—one door which required a key code to enter and a second door which required a key. She discovered that the lid and tank on the toilet were broken and that there was no water in the tank. Although she saw no water on the floor, she noted that there was a drain in the concrete floor

of the restroom. As she turned to leave, she heard three loud booms from the area of the metal back door and “the vent off the air conditioning return just shot out in front of me and he came out of there and he was screaming at me and he had a gun pointed at me.”

She described the male perpetrator as black, approximately 170 pounds, and about 5'7" tall. Ms. Moran was 5'11" and weighed 230 pounds, and she observed that the perpetrator was about the same size as one of her brothers. She said that he was wearing a ski mask; blue pants; tennis shoes that looked like boots and had white spatters on them, like paint or drywall; and purple latex gloves.

The perpetrator demanded that Ms. Moran open the “f ***ing safe” and told her to get on the ground, where he straddled her with a gun pressed to the back of her head. Ms. Moran explained that the safe was locked with a time release and that it would take some time to open. After the safe opened, he tied Ms. Moran’s wrists and ankles with zip ties and loaded a bag with money. He asked Ms. Moran where her keys were and then left through both of the “man trap” doors. Ms. Moran freed herself and saw him without his mask trying to open her car door. She immediately called the police and described to the dispatcher which direction he went in her car.

After arriving at the scene, Detective Rodney Reed of the Fort Smith Police Department discovered that the water to the toilet had been turned off. He also found a smudge of what appeared to be blood on the restroom wall. A sample was collected and a DNA test performed on the sample. The test revealed with scientific certainty that the DNA

was from appellant. The lab-analysis report indicated that the statistical odds of the blood being from someone other than appellant were one in seventeen quadrillion. The forensic DNA examiner also noted in her testimony that there are only six billion people on the planet.

The jury found appellant guilty of aggravated robbery and kidnapping. Appellant contends on appeal that the evidence was insufficient to convict him. Specifically, he argues that Ms. Moran could not identify him and that the only evidence linking him to the crime scene was dried blood. He claims there was no evidence linking the blood to the person who robbed the store that day.

In determining whether the evidence is sufficient, we view the evidence in the light most favorable to the State; thus, only the evidence that supports the conviction is considered, and the conviction will be affirmed if it is supported by substantial evidence. *Stone v. State*, 348 Ark. 661, 667, 74 S.W.3d 591, 594 (2002). Substantial evidence is evidence forceful enough to compel a conclusion one way or the other beyond suspicion or conjecture. *Atkinson v. State*, 347 Ark. 336, 345, 64 S.W.3d 259, 265 (2002). Further, when the sufficiency of the evidence is challenged, we will not weigh witness credibility. *Baughman v. State*, 353 Ark. 1, 4, 110 S.W.3d 740, 742 (2003).

In this case, DNA evidence established that blood found at the scene was appellant's blood. This, along with the other circumstantial evidence presented, was sufficient to identify him as the perpetrator of the crimes. See, e.g., *Ellis v. State*, 364 Ark. 538, 543, 222 S.W.3d

192, 196 (2006). Testimony established the blood was found in a secure area that was not accessible to the public. While appellant poses the question in his appellate brief, “[W]ho is to say that [he] wasn’t there the day before to fix the toilet[?]” there is no testimony at trial suggesting this or offering any other explanation of how his blood ended up there. In addition, Ms. Moran described the perpetrator as a black male, about 5'7" tall, and weighing approximately 170 pounds. Appellant fits that description. Viewing the evidence in the light most favorable to the State, we hold that there was substantial evidence to support the conviction.

Affirmed.

HENRY and BAKER, JJ., agree.