

## ARKANSAS COURT OF APPEALS

DIVISION III  
No. CACR10-374

DAN SIMPKINS, JR.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** November 3, 2010

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT, FIFTH  
DIVISION [NO. CR-2008-4167]

HONORABLE WILLARD  
PROCTOR, JR., JUDGE

AFFIRMED

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### JOHN MAUZY PITTMAN, Judge

Dan Simpkins, Jr., appeals from his conviction at a jury trial of first-degree murder, for which he was sentenced to a term of thirty years in the Arkansas Department of Correction. He argues that the trial court erred in denying his motion for a directed verdict of acquittal because the State failed to present sufficient evidence that he purposely caused the victim's death. We find no error and affirm.

A motion for a directed verdict is a challenge to the sufficiency of the evidence. *Slade v. State*, 2010 Ark. App. 405. When sufficiency is challenged on appeal from a criminal conviction, we view the evidence in the light most favorable to the State, considering only the evidence that tends to support the verdict. *Lawshea v. State*, 2009 Ark. 600, 357 S.W.3d 901. We will affirm if the finding of guilt is supported by substantial evidence, direct or circumstantial. *Id.* Substantial evidence is that which is of sufficient force to compel a

conclusion one way or the other beyond suspicion or conjecture. *Id.* The weight of the evidence and credibility of the witnesses are matters for the fact-finder, not for the trial court on a directed-verdict motion or this court on appeal. *Ridling v. State*, 360 Ark. 424, 203 S.W.3d 63 (2005); *Williams v. State*, 325 Ark. 432, 930 S.W.2d 297 (1996). The fact-finder is free to believe all or part of a witness's testimony and may resolve all questions of conflicting testimony and inconsistent evidence. *Lawshea v. State, supra.*

A person commits murder in the first-degree if, with a purpose of causing the death of another person, he causes the death of another person. Ark. Code Ann. § 5-10-102(a)(2) (Repl. 2006). A person acts "purposely" with respect to his conduct or a result thereof when it is his conscious object to engage in conduct of that nature or to cause such a result. Ark. Code Ann. § 5-2-202(1) (Repl. 2006). A criminal defendant's intent or state of mind is seldom capable of proof by direct evidence and must usually be inferred from the circumstances of the crime. *Davis v. State*, 2009 Ark. 478, 348 S.W.3d 553. Such circumstances can include the type of weapon used, the manner of its use, and the nature, extent, and location of the wounds inflicted. *Copeland v. State*, 343 Ark. 327, 37 S.W.3d 567 (2001); *Fudge v. State*, 341 Ark. 759, 20 S.W.3d 315 (2000). Conduct of the accused following the crime, such as flight or concealment or destruction of evidence, is also relevant and properly considered as evidence of consciousness of guilt. *Crawford v. State*, 309 Ark. 54, 827 S.W.2d 134 (1992). Moreover, because of the difficulty in ascertaining a defendant's

intent or state of mind, a presumption exists that a person intends the natural and probable consequences of his acts. *Davis v. State, supra*.

Here, a neighbor witnessed appellant stab appellant's estranged girlfriend and then chase her down the street and stab her again. Appellant admitted at trial that he and the victim had been arguing and that he stabbed her several times with a six-inch-long knife that he pulled from his pocket. The victim died as the result of multiple stab wounds to the chest and back, one of which penetrated two chambers of her heart and another of which punctured a lung. After the crime, appellant left the scene and went to a vacant lot near a wooded area. There, he admittedly buried the knife in the ground and covered the spot with leaves. The arresting police officer testified that he found appellant shortly after the stabbing near the edge of a tree line "lying in the brush . . . trying to pull bushes and stuff over his head."

Appellant contends that the State failed to prove that he purposely killed the victim because he testified that he did not intend to hurt her and, he argues, his testimony was uncontradicted. We cannot agree. The jury clearly was not required to believe appellant's statement of intent. We conclude that the proof that appellant stabbed the victim multiple times in the chest and back with a long knife and that he then fled and concealed the weapon is more than adequate evidence from which the jury could reasonably infer that he intended to cause the victim's death.

Affirmed.

GLADWIN and KINARD, JJ., agree.