

Cite as 2022 Ark. App. 204

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CR-21-260

RAHEEM DESHUN STACKHOUSE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered May 11, 2022

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. 18CR-19-458]

HONORABLE DAN RITCHEY,
JUDGE

AFFIRMED

RAYMOND R. ABRAMSON, Judge

Appellant Raheem Deshun Stackhouse was charged with first-degree murder after Nathaniel Henderson was shot and killed at Second Chance, a nightclub in West Memphis, on April 6, 2019. Following a one-day jury trial in the Crittenden County Circuit Court, Stackhouse was found guilty of the lesser-included Class A felony of murder in the second degree and, pursuant to Arkansas Code Annotated section 16-90-120(a) (Supp. 2021), was sentenced to serve a total of twenty-five years' imprisonment. On appeal, Stackhouse challenges both the sufficiency of the evidence and an evidentiary ruling by the circuit court. We affirm.

The evidence adduced at trial showed that the scene outside Second Chance was “chaotic” after shots rang out inside the club. Officer Martin Gill discovered the first victim, JuWuan McClendon, suffering from multiple gunshot wounds just inside the door; he later

died from his injuries.¹ Officer Gill testified that he was the first officer who arrived at the nightclub that night, and he saw McClendon, who suffered from multiple gunshot wounds, near a railing to the left near the front stage. He also discovered a body face up near the back of the nightclub with a single gunshot wound to the head. This victim was later identified as Nathaniel Henderson. Stackhouse was charged with Henderson's murder.

Officer Gill attested that, in contrast to where McClendon's body was found, Henderson's body was located to his right and "further back" inside the nightclub. In relation to McClendon, the officer described that Henderson's body was at the "opposite en[d]" of the nightclub, and approximately twenty feet away.

Officer Gill noted that, despite the "significant" blood and brain matter, the bottom of Henderson's shoes were clean. Officer Gill opined that this was important because it indicated Henderson had "dropped straight down[.]" Both of the victims' locations were documented by Officer Gill, and the photographs were introduced at trial, collectively, as State's exhibit A.

During his direct-examination, Officer Gill did not mention that, while at the scene, he had overheard declarant Joshua Joyce scream out that Stackhouse had murdered Henderson. However, on cross-examination, Stackhouse's counsel questioned Officer Gill as to whether he had done a "good job" at the scene on April 6, 2019. Officer Gill confirmed he had, testifying that he had not interviewed any witnesses as part of his investigation. Stackhouse then proceeded to question Officer Gill's reasoning and highlighted that he had

¹Reginald Smith was charged with, and pleaded guilty to, the murder of McClendon in case number 18CR-19-457. He is not a party to this appeal.

had a notepad with him. At this point, the State requested that the circuit court reconsider its prior ruling concerning the admissibility of declarant Joyce's statement at the scene.² Absent a formal ruling, Stackhouse's counsel then concluded his cross examination.

On redirect examination, the deputy prosecutor inquired whether Officer Gill had overheard any "spontaneous" statements while at the scene, which Officer Gill confirmed before Stackhouse objected. Following another bench conference, the circuit court allowed Officer Gill to be questioned about whether he could identify the out-of-court statement's declarant, which he did before the jury as "Joshua Joyce."

After Stackhouse again objected, the circuit court advised that it would reconsider its earlier ruling if a foundation was laid to introduce Joyce's statement as an excited utterance. The deputy prosecutor then elicited testimony from Officer Gill that declarant Joyce had advised him in the parking lot that he had been inside the nightclub when Henderson was shot and recalled that he was "[e]xtremely" upset at the time. At this point, the circuit court ruled that declarant Joyce's statement to Officer Gill was admissible, in part, because his out-of-court statement was an excited utterance.

The circuit court further found that defense counsel's cross-examination of Officer Gill about his investigation at the scene had opened the door to allow the State to inquire about what notes he had made about statements at the scene. And when asked in the jury's

²Prior to the trial, the State filed a motion in limine on September 14, 2020, arguing that declarant Joyce's out-of-court statement was admissible, in part, because it was an excited utterance. Following a pretrial hearing, although finding Joyce's out-of-court statement would "qualify" as such, the circuit court initially ruled that testimony related to this out-of-court statement would be barred at the trial because its declarant had not yet been identified.

presence about his notes, Officer Gill stated that his incident report reflected declarant Joyce screamed—“Stackhouse did it! Stackhouse killed that man!”

Another detective, Ira Rountree, testified that she had secured copies of security footage from the nightclub following the April 6, 2019 shootings. This video footage was introduced without objection and played to the jury. Detective Rountree explained that one video had been captured by a camera inside the nightclub that faced the front-stage area where a concert had been taking place that night. Detective Rountree described that, at approximately 12:33:33 a.m., the security footage showed an altercation taking place near the front stage, then gunfire, and people began to run out of the nightclub’s front door. Detective Rountree identified the person shown on the video lying to the left of the front door as McClendon. This footage also captured Smith, specifically between 12:33:35–41 a.m., approach McClendon, point a gun “downward” at him, and fire multiple shots before exiting out through the front door. Detective Rountree confirmed that Smith exited the nightclub at approximately 12:33:41 a.m. and never reentered.

Detective Rountree further testified that, approximately five seconds after Smith exited, this same video showed Stackhouse come into view. Stackhouse fired one shot in the direction that Henderson was last seen alive and where his body was discovered, and then he fled out of the nightclub. Other State’s witnesses testified that Stackhouse “ran” out of the nightclub with a gun in his hand following the shooting.³

³Stackhouse stipulated at his trial that he had fired “one shot” in Henderson’s direction.

A warrant was issued for Stackhouse's arrest later on April 6, and multiple agencies searched for him for over a week. Stackhouse turned himself in a week later—on April 13—but the weapon used to murder Henderson was never recovered. In part, fourteen bullet casings were recovered inside the nightclub, and the State introduced a diagram that showed each of their locations along with the position of Henderson's body.

Dr. Jennifer Forsyth, the forensic pathologist who conducted Henderson's autopsy, testified that his cause of death was a single gunshot to his head and that bullet fragments extracted from inside his skull belonged to a single bullet. Dr. Forsyth also testified as to the results of McClendon's autopsy, which revealed thirteen exit wounds on his body and six bullets inside his body. According to an analysis conducted at the Arkansas State Crime Laboratory, the bullets found inside Henderson had not been fired by the same firearm used to murder McClendon.

Philkivious Mason was another State's witness who testified at trial. Mason explained that he and the two victims had gone to the nightclub for a concert on April 6. He immediately recognized Stackhouse when he saw him walk into the nightclub. Mason testified this meant "trouble," explaining, in part, that Stackhouse had shot him once before. Mason further confirmed that a color video shown during his direct examination had captured an initial confrontation between Mason and Henderson near the front of the stage.

Mason further attested that during this altercation, he saw Stackhouse pull a gun from his waistband, at which point Mason ducked and ran toward the back of the nightclub. Mason recounted that Henderson had followed suit—recalling that Henderson was standing nearby—before he took cover on the ground near a back wall. Immediately thereafter,

Mason heard a gunshot and saw Henderson fall backward onto the floor—“blood squirting out of his eyes.”

Furthermore, at trial, Smith admitted that he had killed McClendon but denied any role in Henderson’s murder. Stackhouse moved for a directed verdict on the charge of first-degree murder at the close of the State’s case-in-chief, specifically arguing that the proof created “huge reasonable doubt as to whether [he] actually killed Mr. Henderson.” After the deputy prosecutor countered otherwise, Stackhouse reiterated “there was reasonable doubt as to [his] guilt.” Stackhouse failed to reference or name any of the elements required for second-degree murder before the circuit court denied his motion, finding the proof sufficient to sustain the offense of murder in the first degree.

After the close of all the evidence, Stackhouse renewed his directed-verdict motion, which the circuit court again denied. The circuit court then instructed the jury on first-degree murder and the lesser-included offense of murder in the second degree. The jury convicted Stackhouse of the lesser-included Class A felony of murder in the second degree, and he was sentenced to serve a total of twenty-five years’ imprisonment.

On appeal, Stackhouse challenges both the sufficiency of the evidence of guilt and the circuit court’s decision to allow Officer Gill to testify as to an out-of-court statement made by Joshua Joyce at the trial. We find his arguments unpersuasive.

Stackhouse first argues that there was insufficient proof of causation to sustain his second-degree-murder conviction. An argument based on the denial of a directed-verdict motion is a challenge to the sufficiency of the evidence. *E.g., Jackson v. State*, 363 Ark. 311, 315, 214 S.W.3d 232, 235 (2005). When considering such, the evidence is viewed in the

light most favorable to the verdict, and only proof supporting it will be considered, *e.g.*, *Swanigan v. State*, 2019 Ark. App. 296, at 8–9, 577 S.W.3d 737, 745, including all reasonable inferences therefrom. *See, e.g.*, *Draft v. State*, 2016 Ark. App. 216, at 3, 489 S.W.3d 712, 714.

This court’s analysis considers all the evidence, even proof allegedly inadmissible at a defendant’s trial. *E.g.*, *Jones v. State*, 2019 Ark. App. 350, at 14, 582 S.W.3d 859, 867. We “will affirm [a] finding of guilt [that] is supported by substantial evidence.” *Draft*, 2016 Ark. App. 216, at 3, 489 S.W.3d at 714. Substantial evidence is proof that goes beyond suspicion or conjecture and is sufficient to compel a conclusion. *Id.* Such may be established though direct or circumstantial evidence. *Id.* Circumstantial evidence, alone, will suffice if it excludes every other reasonable hypothesis consistent with a defendant’s innocence, which is “for the fact-finder [at trial] to decide.” *Id.*

Witnesses’ credibility also is a matter reserved for the trier of fact, not an appellate court on review. *E.g.*, *Jackson*, 363 Ark. at 316, 214 S.W.3d at 236. Similarly, jurors resolve conflicting testimony along with inconsistent evidence presented at trial and, in reaching a verdict, “may choose to believe the State’s account of the facts rather than the defendant’s.” *Id.*

In this case, the State presented ample proof to support the finding that Stackhouse caused Henderson’s death. The jury was shown video footage and heard testimony that Stackhouse fired one shot in Henderson’s direction inside the nightclub, to which the defense even stipulated. Moreover, Smith testified he did not shoot Henderson, and forensic testing revealed that bullets used in the separate murders that night had not been fired from

the same gun. Given such evidence, it was reasonable for the jury to infer that the single bullet fired by Stackhouse in Henderson's direction caused his death. *See, e.g., Jackson*, 363 Ark. at 313–17, 214 S.W.3d at 234–36 (holding there was sufficient proof of defendant's guilt when the State presented evidence that he had fired a single shot in the direction of the victim outside a nightclub); *see also, e.g., Moore v. State*, 58 Ark. App. 120, 122, 125, 947 S.W.2d 395, 396, 398 (1997) (affirming murder conviction because, in part, proof established defendant was at the scene and fired a gun in the direction of the victim). Accordingly, we find Stackhouse's argument without merit and hold that sufficient evidence supports his second-degree-murder conviction.

Stackhouse also challenges the circuit court's decision to allow Officer Gill to testify that declarant Joyce stated at the scene that Stackhouse had killed Henderson. However, Stackhouse does not explain or cite any authority. His appellate argument on this point is limited to three sentences, and such unsupported arguments do not merit reversal. *See, e.g., Ressler v. State*, 2017 Ark. App. 208, at 9, 518 S.W.3d 690, 695–96 (explaining reversal not warranted "when a point on appeal is unsupported by convincing arguments or sufficient citation to legal authority."). Thus, we affirm.

Affirmed.

HARRISON, C.J., and GRUBER, J., agree.

Knutson Law Firm, by: *Gregg A. Knutson*, for appellant.

Leslie Rutledge, Att'y Gen., by: *Michael Zangari*, Ass't Att'y Gen., for appellee.