

Cite as 2022 Ark. App. 214

ARKANSAS COURT OF APPEALS

DIVISION III

No. CR-21-520

CORREY CRAWFORD

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered May 11, 2022

APPEAL FROM THE MISSISSIPPI
COUNTY CIRCUIT COURT,
CHICKASAWBA DISTRICT
[NO. 47BCR-20-148]

HONORABLE KIMBERLY BOLING
BIBB, JUDGE

AFFIRMED

PHILLIP T. WHITEAKER, Judge

Appellant Correy Crawford was charged as an accomplice with one count of capital murder and one count of aggravated robbery for his involvement in the shooting death of Demarcus Daniels in April 2020. A Mississippi County jury convicted Crawford of first-degree murder as well as two sentencing enhancements.¹ Crawford was sentenced to a total of fifty years in the Arkansas Department of Correction. On appeal, he argues that there was insufficient evidence of his intent to commit first-degree murder and that the jury erred in rejecting his affirmative defense that he was acting under duress. We find no error and affirm.

In reviewing a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State and consider only the evidence that supports the verdict. *Danner*

¹The criminal information alleged that Crawford was subject to enhancements for committing a crime of violence while acting in concert with two or more persons, *see* Ark. Code Ann. § 5-74-108 (Repl. 2016), and for committing a felony involving the use of a deadly weapon. *See* Ark. Code Ann. § 16-90-120 (Supp. 2021).

v. State, 2018 Ark. App. 621, 565 S.W.3d 545. We will affirm a conviction if substantial evidence exists to support it. *Id.* Substantial evidence is that which is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other, without resorting to speculation or conjecture. *Id.* When a theory of accomplice liability is implicated, we affirm a sufficiency-of-the-evidence challenge if substantial evidence exists that the defendant acted as an accomplice in the commission of the alleged offense. *Id.*

With these standards in mind, and viewing the evidence in the light most favorable to the State, we recount the evidence introduced at trial. The victim, Demarcus Daniels, was a local drug dealer who sold from his home. Because of this, he had installed a surveillance-camera system on the exterior of his house. On the night of April 25, 2020, Daniels was at home with his fiancée, Delrico Coleman. Samantha Wells came to the home and purchased marijuana from Daniels. As she was leaving his house, three men approached. She saw that two of the men were wearing masks, but one was not. While Wells was still walking through the carport, she heard Coleman yell, “Oh, hell no!”; and she heard Daniels say, “Don’t do this, chill out, oh no.” Then she heard gunshots, and she ran.

After Wells left, Coleman saw two men enter the home. One was wearing a mask and was armed with a long rifle. The other man was not wearing a mask and was armed with a handgun. Coleman was able to recognize the unmasked man as Crawford because he was a former customer of Daniels and had been to the house before. When Coleman saw the guns, she reached for a 9mm handgun that she had in her purse. The masked man yelled at her to stop, and shots began to fire. Coleman “hit the floor” and lost consciousness. When she awoke, Daniels had been shot and was lying on the floor, unresponsive.

The Blytheville Police Department began an investigation into Daniels's death. As part of their investigation, they recovered footage from the DVD player connected to the surveillance camera at Daniels's home. On this footage, they were able to see Crawford, who was not wearing a mask, leading two other men up to Daniels's house. Crawford was carrying a gun in one hand and made a hand gesture that seemed to indicate he was giving commands to the other two men. Crawford went inside the residence along with another man who was armed with a rifle.² Moments later, the video showed glass flying across the screen, the result of someone inside the residence firing a gun through the glass toward the outside. Shortly thereafter, Crawford was the first to run from the scene with the other two men following. The police took screenshots from the footage, at least one of which depicted Crawford standing at the door with a gun in his right hand. These screenshots were also introduced into evidence.

The police investigated further by creating a photographic lineup and by processing the crime scene. In the lineup, Wells was able to identify Crawford as the unmasked man. From the crime scene inside Daniels's home, investigators recovered fifteen spent shell casings. Eight of the shells had been fired by a 9mm pistol, and seven had been fired by a .223-caliber rifle. They retrieved a rifle and a 9mm pistol from Daniels's house, both of which belonged to Daniels. The weapons, the shell casings, and Daniels's body were submitted to the Arkansas State Crime Laboratory.

The crime lab analyzed the evidence submitted by the Blytheville Police Department. According to the medical examiner, Daniels had been shot eight times, and he died as a result of these injuries. The crime lab conducted firearm and toolmark examinations that revealed

²The third suspect did not enter the residence.

Daniels's rifle did not expend any of the rifle shells and that only one of the 9mm shells had come from his pistol.

In his first point on appeal, Crawford argues that the evidence recited above was insufficient to convict him of first-degree murder.³ He concedes that there was evidence that he and two other individuals entered Daniels's home while armed with firearms and that Daniels was shot to death. He argues, however, that there was no eyewitness testimony indicating that he was the person who actually shot Daniels, pointing "to a plausibility that Mr. Daniels's death was caused by one of the other two armed individuals that were present[.]" He further contends that the State failed to provide evidence of "a stated plan or known objective that the three men shared before they entered the residence." As such, he argues that there was insufficient evidence that he, acting alone or with others, acted with the purpose of killing Daniels.

Crawford's argument, however, ignores the fact that he was charged as an accomplice. A person may commit an offense either by his or her own conduct or that of another person. Ark. Code Ann. § 5-2-401 (Repl. 2013). "A person is criminally liable for the conduct of another person if . . . [t]he person is an accomplice of another person in the commission of an offense[.]" Ark. Code Ann. § 5-2-402(2) (Repl. 2013). A person is an accomplice of another person if, with the purpose of promoting or facilitating the commission of the offense, he or she aids, agrees to aid, or attempts to aid in planning or committing the offense. Ark. Code Ann. § 5-2-403(a)(2) (Repl. 2013). There is no distinction between principals on the one hand and accomplices on the other, insofar as criminal liability is concerned. *Starling v. State*, 2015

³A person commits first-degree murder if, with the purpose of causing the death of another person, he or a person acting with him caused the death of another person. Ark. Code Ann. § 5-10-102(a)(2) (Supp. 2021).

Ark. App. 429, 468 S.W.3d 294. When two people assist one another in the commission of a crime, each is an accomplice and criminally liable for the conduct of all. *Price v. State*, 2019 Ark. 323, 588 S.W.3d 1. One cannot disclaim accomplice liability simply because he or she did not personally take part in every act that went to make up the crime as a whole. *Roberts v. State*, 2022 Ark. App. 149, 643 S.W.3d 843.

Here, viewed in the light most favorable to the State, the evidence showed that Crawford, armed with a handgun, entered Daniels's house along with another person armed with a rifle, while a third armed person remained outside on the carport. Investigators recovered fifteen spent shells from inside Daniels's house. Eight of those shots struck Daniels, causing his death. The crime-lab evidence showed that one shot was fired by Daniels's handgun but that his rifle did not fire any of the casings found at the crime scene. Thus, from the fifteen spent shells recovered, fourteen came from weapons not owned by Daniels. The crime-lab evidence further showed that seven shots came from a rifle, and seven more were fired from a different handgun. Crawford was seen on the security-camera video carrying a handgun into the house. The evidence therefore showed, at the very least, that Crawford was an accomplice to the person who shot Daniels with the rifle and, at most, that Crawford was the person who actually shot Daniels.

Nevertheless, Crawford argues that the State failed to show that he acted with the purpose of causing Daniels's death. Our supreme court, however, has held that a person's intent or state of mind at the time of the offense is seldom apparent. *Wyles v. State*, 368 Ark. 646, 249 S.W.3d 782 (2007). Moreover, a person is presumed to intend the natural and probable consequences of his or her actions. *Watts v. State*, 2021 Ark. App. 115, 618 S.W.3d 458. Because intent cannot be proved by direct evidence, the jurors are allowed to draw on their

common knowledge and experience to infer it from the circumstances. *Watson v. State*, 358 Ark. 212, 188 S.W.3d 921 (2004).

Our supreme court has held that intent may be inferred from the type of weapon used, the manner of use, and the nature, extent, and location of the trauma suffered by the victim. *Dunn v. State*, 371 Ark. 140, 146, 264 S.W.3d 504, 508 (2007). In *Wyles, supra*, the supreme court affirmed a second-degree murder conviction, holding there was sufficient evidence of the defendant's purposeful intent when the victim had multiple injuries that were inflicted with a considerable amount of force. Likewise, here, Daniels suffered multiple gunshot wounds that, according to the medical examiner's testimony, were inflicted at close range. Whether Crawford fired the shots himself or was acting as an accomplice of the other gunman, there was sufficient evidence from which the jury could conclude that he was acting with purposeful intent.

In his second argument on appeal, Crawford argues that he presented sufficient evidence to support his affirmative defense of duress. Arkansas Code Annotated section 5-2-208(a) (Repl. 2013) recognizes the defense of duress as an affirmative defense to prosecution when, at the time of the conduct constituting the offense, the actor suffers an impairment of his ability to control his conduct such that he cannot properly be held accountable for it. *Barr v. State*, 336 Ark. 220, 231, 984 S.W.2d 792, 797 (1999). Crawford had the burden of proving this affirmative defense by a preponderance of the evidence. Ark. Code Ann. § 5-1-111(d) (Repl. 2013); *Squyres v. State*, 2015 Ark. App. 665, 476 S.W.3d 839; *Morales v. State*, 2013 Ark. App. 555. Whether the evidence supports an affirmative defense is a question for the fact-finder, *Walker v. State*, 308 Ark. 498, 825 S.W.2d 822 (1992), and a circuit court may enter a directed verdict on an affirmative defense only if there are no factual issues remaining to be resolved by the trier of fact. *Davis v. State*, 368 Ark. 401, 246 S.W.3d 862 (2007).

At trial, Crawford testified that he did not know Daniels and that he had been kidnapped at gunpoint by three strangers in an SUV who gave him a fake gun and told him to “get them in the door.” The jury, however, was not obligated to believe Crawford’s self-serving account of the events of that night. *Baker v. State*, 2021 Ark. App. 117, 618 S.W.3d 462; *Johnson v. State*, 2020 Ark. App. 446, 608 S.W.3d 162. The credibility of the witnesses is an issue for the jury and not this court. *Crockett v. State*, 2021 Ark. App. 422, 634 S.W.3d 821. Here, the jury clearly did not believe Crawford’s kidnapping story, and we do not second-guess that determination on appeal.

Affirmed.

VIRDEN and MURPHY, JJ., agree.

Terry Goodwin Jones, for appellant.

Leslie Rutledge, Att’y Gen., by: *Joseph Karl Luebke*, Ass’t Att’y Gen., for appellee.