

Cite as 2023 Ark. App. 190
ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-22-587

LAMARIUS CURRY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 5, 2023

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. 35CR-19-346]

HONORABLE ALEX GUYNN,
JUDGE

AFFIRMED

N. MARK KLAPPENBACH, Judge

Following a jury trial, Lamarius Curry was convicted in the Jefferson County Circuit Court of second-degree forgery and theft of property. On appeal, Curry challenges the sufficiency of the evidence supporting his convictions. We affirm.

At trial, the State presented the testimony of Daljit Multani and Richard Thompson. Multani testified that he was the manager of a Valero station where Curry cashed a check with the clerk. Multani and the clerk discovered shortly thereafter that the check was not signed. Multani then drove to the address on the check where he found Curry, and he asked Curry to sign the check or return the \$700. Curry refused the requests. Multani said that he and the police viewed the store's surveillance video, and he could clearly see Curry's face on the video cashing the check. The clerk had also taken a picture of Curry's identification

card. Thompson, who testified that Curry is his son, identified State's exhibit 1 as a picture of a check from his account made out to Curry for \$700. Thompson testified that he did not write the check or give Curry permission to write the check. Curry was convicted and sentenced to fifteen years' imprisonment.

On appeal, Curry argues that, when excluding erroneously admitted evidence, there is insufficient evidence to support the convictions. He claims that the circuit court erred in allowing hearsay testimony without establishing that the clerk was unavailable as a witness and erred in allowing testimony regarding the surveillance video in violation of the best-evidence rule. Curry's argument fails because when reviewing the sufficiency of the evidence, this court considers all the evidence, whether admitted properly or erroneously. *Badger v. State*, 2019 Ark. App. 490, 588 S.W.3d 779. Even if the circuit court abused its discretion in admitting certain evidence, we will nevertheless consider it in determining whether the verdict is supported by substantial evidence. *Id.* Curry does not otherwise challenge the sufficiency of the evidence, and he did not preserve any argument regarding the admission of any evidence. Accordingly, we affirm his convictions.

Affirmed.

WOOD and HIXSON, JJ., agree.

Potts Law Office, by: Gary W. Potts, for appellant.

Leslie Rutledge, Att'y Gen., by: Adam Jackson, Ass't Att'y Gen., for appellee.