

DONALD RAY JOHNSON *v.* STATE OF ARKANSAS

CR 73-36

495 S.W. 2d 845

Opinion delivered June 18, 1973

1. ROBBERY—PARTICIPATION IN OFFENSE—WEIGHT & SUFFICIENCY OF EVIDENCE.—Confession by accused that he participated in a robbery “last Thursday” the date of the offense, and police officer’s testimony that accused denied robbing the liquor store but admitted to driving the automobile used in the robbery *held* sufficient evidence to justify the jury in concluding that accused participated in the crime.
2. CRIMINAL LAW—PRESUMPTION OF VENUE—STATUTORY PROVISIONS.

—Under Ark. Stat. Ann. § 43-1426 (Repl. 1964), it is presumed the offense charged was committed within the jurisdiction of the court unless the evidence affirmatively shows otherwise.

Appeal from Pulaski Circuit Court, Fourth Division, *Richard B. Adkisson*, Judge; affirmed.

*James R. Howard*, for appellant.

*Jim Guy Tucker*, Atty. Gen., by: *Charles A. Banks*, Asst. Atty. Gen., for appellee.

CONLEY BYRD, Justice. Appellant Donald Ray Johnson was found guilty of robbing Bill's Liquor Store in Little Rock. For reversal he contends the lower court should have granted his motion for a directed verdict because the prosecution failed to prove that the crime was committed in Pulaski County and that the appellant participated in the robbery. He confessed on March 25, 1972, that he participated in a robbery "Last Thursday," which was the date of the crime. A police officer, testified that appellant denied robbing Bill's Liquor Store on Eighth Street but admitted to driving the automobile used in the robbery. The jury could have concluded from this evidence that the appellant participated in the crime charged.

As to the claim that the State failed to prove the crime was committed in Pulaski County, see Ark. Stat. Ann. § 43-1426 (Repl. 1964), *Lyons v. State*, 250 Ark. 920, 467 S.W. 2d 701 (1971) and *Hill v. State*, 253 Ark. 512, 487 S.W. 2d 624 (1972).

Affirmed.