LOIS ROGERS *v.* STATE OF ARKANSAS

5561 466 S. W. 2d 252

Opinion delivered May 3, 1971

CRIMINAL LAW—ADMISSION OF DEFENDANT'S STATEMENTS AS ERROR. —Contention that the trial court erroneously allowed police officers to narrate to the jury appellant's admission of guilt which the officers wrongfully obtained by threatening to charge appellant's father with the offense, which appellant had allegedly committed *held* without merit where the court permitted the jury to hear only the admissions made by appellant before the threat was made and ruled that all statements elicited by means of threat were involuntary and were not to be submitted to the jury.

Appeal from Johnson Circuit Court, *Russell C. Roberts,* Judge; affirmed.

Kenneth Coffelt, for appellant.

Ray Thornton, Attorney General; *Ken Stoll,* Asst. Atty. Gen., for appellee.

GEORGE ROSE SMITH, Justice. The appellant, along with two other men, was charged with the crime of having unlawfully possessed a stolen tractor. Tried separately, the appellant was found guilty and was sentenced to imprisonment for five years. For reversal the appellant contends only that the trial court erroneously allowed police officers to narrate to the jury an admission of guilt which the officers wrongfully obtained by threatening to charge the appellant's father with the offense, which the appellant himself had allegedly committed.

A study of the record shows that the appellant's argument is based upon a misconception of what happened at the trial. The defense vigorously argued that the appellant's admission of guilt was improperly obtained, because the officers resorted to a threat against the elder Rogers, as we have indicated. According to the record, however, the court sustained the argument of defense counsel and permitted the jury to hear only

an admission made by the younger Rogers before the threat in question was made. We agree with the trial court's conclusion that the earlier admission was voluntarily made. The court properly ruled that all statements elicited by means of the threat were involuntary and were not to be submitted to the jury. In the circumstances the record is simply devoid of prejudicial error with respect to the only point for reversal that is before us.

Affirmed.