

REMBERT LEE HUNT v. STATE OF
ARKANSAS

CR 73-73

498 S.W. 2d 654

Opinion delivered September 10, 1973

1. HOMICIDE—ASSAULT WITH A DEADLY WEAPON—CHARACTER OF WEAPON USED.—Any object likely to produce death or great bodily harm could be a deadly weapon.
2. HOMICIDE—ASSAULTING AN OFFICER WITH A DEADLY WEAPON—SUFFICIENCY OF EVIDENCE.—Evidence of assault with an eight ounce drinking glass sustained conviction of assaulting an officer with a deadly weapon.
3. HOMICIDE—ASSAULTING AN OFFICER WITH A DEADLY WEAPON—EVIDENCE, ADMISSIBILITY OF.—Refusal to permit a four ounce glass to be introduced in evidence was not error where it was not sufficiently identified as being similar to the glass used in the assault.

Appeal from Pulaski Circuit Court, First Division,
William J. Kirby, Judge; affirmed.

Carpenter, Finch & McArthur, for appellant.

Jim Guy Tucker, Atty. Gen., by: *Philip M. Wilson*,
Asst. Atty. Gen., for appellee.

CONLEY BYRD, Justice. Appellant, Rembert Lee Hunt, to reverse a felony conviction for assaulting an officer with a deadly weapon, Ark. Stat. Ann. § 41-2802 (Supp. 1971), contends that the evidence is insufficient and the trial court erred in refusing to admit a glass into evidence.

The record shows that Officer Larry Dill, in street dress, and two other uniformed officers of the Little Rock Police Department went to a club to arrest two black female suspects. After the females were taken into custody, appellant, according to some of the witnesses, made inquiry of the officers as to where they were taking the sus-

pects. Appellant then assaulted Officer Dill with a drink glass which was broken during the assault. Officer Dill suffered a cut behind his ear requiring several stitches. Some of the witnesses described the glass used by appellant as an eight ounce glass. At the trial the court refused to permit appellant to introduce a four ounce glass into evidence.

In *Jackson v. State*, 214 Ark. 194, 215 S.W. 2d 148 (1948), we held that any object likely to produce death or great bodily harm could be a deadly weapon. We find no merit in appellant's contention that the evidence is insufficient.

Neither can we find merit in the contention that the trial court erred in refusing to permit the four ounce glass to be introduced into evidence. We cannot say that it was sufficiently identified as being similar to the glass used in the assault.

Affirmed.
