ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JUDGE DAVID M. GLOVER

DIVISION I

CACR06-1007

May 23, 2007

DARRELL BERNARD DANSBY APPELLANT	APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, SIXTH DIVISION [CR 05-75]
V.	HONORABLE TIMOTHY D. FOX, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

Appellant, Darrell Dansby, was tried by a jury and found guilty of the offense of robbery. He was sentenced as an habitual offender, with four or more prior felony convictions, to thirty years' imprisonment in the Arkansas Department of Correction. For his sole point of appeal, appellant contends that the trial court erred in denying his motion for a directed verdict because there was insufficient evidence to prove that he employed physical force against the victim. He does not deny being involved in the event, but he argues that he did not employ physical force against the victim. We affirm.

A directed-verdict motion is a challenge to the sufficiency of the evidence. *May v. State*, 94 Ark. App. 202, ____ S.W.3d ____ (2006). When the sufficiency of the evidence

is challenged on appeal from a criminal conviction, we review the evidence and all reasonable inferences in the light most favorable to the State and will affirm if the finding of guilt is supported by substantial evidence. *Id*. Substantial evidence is evidence of sufficient certainty and precision to compel a conclusion one way or another that passes beyond mere speculation or conjecture. *Id*.

The victim, Denise Moore, testified that she was holding her CD case "pretty snugly" under her arm so that it would not fall down. "When [appellant] pulled it from me out of my grasp, the strap did not break. He just pulled it down and just ripped it off the rest of my arm. He ripped it off my arm." In addition, she testified that she was bruised from the encounter; that her left arm hurt for a minute after it happened; and that she actually ended up going to see a doctor shortly afterward to make sure there was nothing else wrong with her arm, which turned out to be fine. She explained that she thought a buckle on the case caused her bruise, in conjunction with the fact that she is diabetic. She said that the force that appellant used in taking the case and the buckle raking against her arm caused an elongated bruise.

In appellant's statement to the police, he said that he "just reached up there and grabbed the [CD case] and took off running." He told the police that the CD case was in the victim's hand and that the case strap was on her arm.

Arkansas Code Annotated section 5-12-102 (Repl. 2006) defines the offense of robbery:

> (a) A person commits robbery if, with the purpose of committing a felony or misdemeanor theft or resisting apprehension immediately after committing a felony or misdemeanor theft, *the person employs or threatens to immediately employ physical force upon another person.*

(Emphasis added.) Appellant contends that as a matter of common law, there is not sufficient force for robbery when a defendant merely snatches or grabs money or goods from the owner's grasp unless there is a struggle for possession of the property or the owner of the property suffers an injury or the defendant uses force to take the property. In support of his position, he cites *Parker v. State*, 258 Ark. 880, 529 S.W.2d 860 (1975). He further contends that in order to prove that appellant employed physical force, the State had to prove that the victim suffered some impact on her body, *i.e.*, that the defendant himself touched some part of the victim's body or clothing.

In *Parker*, the trial court was asked to instruct on the lesser-included offenses of grand larceny and petit larceny. The supreme court found no error in the trial court's refusal to do so, explaining:

> It is quite true that the mere snatching of money or goods from the hand of another is not robbery, unless some injury is done to the person or there be some struggle for possession of the property prior to the actual taking or some force used in order to take it.

258 Ark. at 885, 529 S.W.2d at 863. The court determined that the evidence in *Parker* was sufficient to sustain a conviction for robbery. The case involved a purse snatching; the robber hit the victim in the face; and she exhibited a scratch and a bruise on her right cheek the next day. In *Martin v. State*, 178 Ark. 1117, 13 S.W.2d 597 (1929), our supreme court determined that the evidence was not sufficient to establish force where no

force whatever was used. Martin, the defendant, merely took the money out of the coat pocket of the victim, who was not in any manner jostled or assaulted.

Here, appellant jerked the CD case from the victim's grasp, hurting her arm, causing an elongated bruise, and necessitating a trip to the doctor to make certain that her arm was okay. We hold that this collective evidence was sufficient to support appellant's conviction for robbery and that the trial court did not err in refusing to direct a verdict.

Affirmed.

BAKER and MILLER, JJ., agree.