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SUPREME COURT OF ARKANSAS
No. CR-24-854

NICHOLAS MILLS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: January 29, 2026

APPEAL FROM THE POPE COUNTY
CIRCUIT COURT
[NO. 58CR-23-661]

HONORABLE BARBARA HALSEY,
JUDGE

DISSENTING OPINION FROM
DENIAL OF PETITION FOR
REVIEW.

NICHOLAS J. BRONNI, Associate Justice

The court of appeals rejected Nicholas Mills’s challenge to evidence admitted at his sentencing, holding that he could not establish prejudice because he received a sentence less than the statutory maximum. *Mills v. State*, 2025 Ark. App. 476, at 4–5, 723 S.W.3d 649, 652. No one has ever explained why that rule makes sense or is justified by precedent. See *Francis v. State*, 2025 Ark. 146, at 1–2. Nor could they since, as I’ve previously explained, “[j]ust because a defendant didn’t receive the maximum sentence doesn’t mean there weren’t any prejudicial errors,” and our previous case law doesn’t establish such a rule. *Id.* Sadly, however, the majority passes on yet another opportunity to either attempt to justify that rule or, more correctly, overrule it. I respectfully dissent.

WEBB, J., joins.