SLIP OPINION

Cite as 2013 Ark. App. 664

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-13-271

	Opinion Delivered November 13, 2013
JERRY DEAN ROSS APPELLANT	APPEAL FROM THE SEBASTIAN COUNTY CIRCUIT COURT, FORT SMITH DISTRICT [NO. MC-2012-200]
V.	HONORABLE JAMES O. COX, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant was convicted of criminal trespass and indecent exposure. On appeal, he argues that the trial court erred in refusing to admit into evidence during the penalty phase of the trial a 1949 letter from the Ypsilanti State Hospital in Michigan. The letter is addressed to Mr. Jacob Ross of Flint, Michigan, informing him that his son Jerry suffered from a condition "that has caused significant deterioration of his brain." Appellant argues that the letter "would appear to show he was the child set out in the letter," and that it was thus an abuse of discretion to refuse to accept it into evidence. We affirm.

Authentication of a document is a condition precedent to admissibility, and the question of authentication is a matter within the trial court's discretion. *Gulley v. State*, 2012 Ark. 368; *Doles v. State*, 2011 Ark. App. 476, 385 S.W.3d 315. The requirement of authentication is satisfied by evidence sufficient to support a finding that the matter in

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question is what the proponent claims, Ark. R. Evid. 901(a), and what appellant was claiming was that he was the child mentioned in the letter. Neither appellant nor anyone else testified that he was the child mentioned in the letter, or that his father's name was Jacob, or that he had resided in Michigan. He could have provided this by testimony pursuant to Rule 901(b)(1), but the letter itself, although an ancient document, requires speculation and conjecture to demonstrate identity. We cannot say that the trial court abused its discretion by refusing to admit the letter into evidence.

Affirmed.

GLADWIN, C.J., and WOOD, J., agree.

David L. Dunagin, for appellant.

Dustin McDaniel, Att'y Gen., by: *Rebecca Kane*, Ass't Att'y Gen., for appellee.