

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CACR10-1131

TREVER ALAN PHILLIPS  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

**Opinion Delivered** JUNE 1, 2011

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT, FIFTH  
DIVISION  
[NO. CR-2009-3486]

HONORABLE ERNEST SANDERS, JR.,  
JUDGE

AFFIRMED

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**ROBIN F. WYNNE, Judge**

Trever Alan Phillips appeals from his conviction on a charge of failure to register as a sex offender. He argues on appeal that the evidence produced at trial was insufficient to support his conviction. We affirm the judgment of the trial court.

Appellant was charged by information with one count of failure to register as a sex offender. At appellant's trial, Officer Dan Schmidt with the Jacksonville Police Department testified that he responded to a call of a disturbance at the City Engineering Department. Officer Schmidt made contact with a city engineer who informed him that appellant created a disturbance after he arrived to perform community service and was told that he did not have the necessary paperwork. According to Officer Schmidt, he was advised by dispatch that appellant was delinquent on his sex-offender registration. When Officer Schmidt tried to

obtain information from appellant for a report, appellant refused to give any information. Officer Schmidt then arrested appellant for obstruction of governmental operations and failure to register as a sex offender.

Brad Cazort, the administrator of the Field Services Division for the Arkansas Crime Information Center (ACIC), testified that appellant first registered as a sex offender on January 5, 1999, after he was convicted of sexual abuse in the first degree. At the time appellant signed the initial registration form, he also signed an information sheet that outlined the rules he was required to follow. Mr. Cazort testified that appellant was required to verify his residence every six months. According to Mr. Cazort, ACIC sends a verification letter to every offender that they are required to pick up from the post office and take to the police agency handling his or her registration. Appellant provided ACIC with a change-of-address form in February 2008 that listed his address as 313 Robbins Road. A verification letter was sent to that address in June 2008 but was never returned. Mr. Cazort testified that appellant was still delinquent with his registration on August 24, 2009. When appellant did re-verify in January 2010, he listed an address of 15 Wright Circle.

At the close of the State's case, appellant made a motion to dismiss. The motion was denied. Appellant testified that he submitted a change-of-address form in 2008 and that he expected to get a response from ACIC, which he never received. He claimed that when he went to the Jacksonville Police Department to discuss his failure to receive a letter, he was

told to leave. Appellant blamed the post office for his failure to receive a letter and denied that he was attempting to hide his address.

After the defense rested, appellant renewed his motion to dismiss, which was again denied. The trial court, sitting without a jury, found appellant guilty and sentenced him to thirty-six months' imprisonment. Appellant has now appealed to this court.

On appeal, appellant argues that the evidence was insufficient to support his conviction. A motion to dismiss, which is identical to a motion for a directed verdict in a jury trial, is a challenge to the sufficiency of the evidence. *Green v. State*, 79 Ark. App. 297, 87 S.W.3d 814 (2002). When reviewing a challenge to the sufficiency of the evidence, the appellate court will affirm the conviction if there is substantial evidence to support it, when viewed in the light most favorable to the State. *Delamar v. State*, 101 Ark. App. 313, 276 S.W.3d 746 (2008). Substantial evidence is evidence that is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or another without resort to speculation or conjecture. *Id.*

Appellant was convicted of failure to register as a sex offender. A person is guilty of a Class C felony if he fails to register or verify registration as required. Ark. Code Ann. § 12-12-904(a)(1)(A)(i) (Repl. 2009). The State produced evidence that appellant failed to register as required. Appellant admitted in his testimony that he failed to register. He attempted to excuse his failure based on his contention that he did not receive a letter as he normally did. However, the trial court was not required to believe appellant's testimony because he was the

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person most interested in the outcome of the trial. *See Rhoades v. State*, 2010 Ark. App. 730, 379 S.W.3d 659. The State provided evidence that allowed the trial court to conclude that appellant failed to register without resorting to speculation or conjecture. The judgment of the trial court is affirmed.

Affirmed.

VAUGHT, C.J., and PITTMAN, J., agree.