

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR12-813

VANN BRAGG		Opinion Delivered APRIL 17, 2013
	APPELLANT	APPEAL FROM THE PHILLIPS COUNTY CIRCUIT COURT [NO. CR-2009-198]
V.		HONORABLE RICHARD L. PROCTOR, JUDGE
STATE OF ARKANSAS	APPELLEE	AFFIRMED

RHONDA K. WOOD, Judge

Appellant Vann Bragg argues that the circuit court erred in finding that there was sufficient evidence that he inexcusably failed to comply with a condition of his probation. We find no error and affirm.

On February 17, 2010, Bragg pled guilty to the charge of attempted delivery of a controlled substance and was placed on probation for a period of five years subject to written conditions. The written conditions included provisions that Bragg should not commit an offense punishable by imprisonment during the period of suspension nor should he possess any firearms, knives, or other weapons. On October 4, 2010, a residential break-in was reported, and video surveillance at a local pawn shop linked Bragg to the break-in. Police executed a search warrant of Bragg's residence and recovered

numerous firearms on December 31, 2010. On July 29, 2011, the State filed a petition for revocation alleging that Bragg violated the terms and conditions of his probation by possessing firearms. After a revocation hearing on February 7, 2012, the circuit court found that Bragg violated the terms of his probation. Following a June 19, 2012, sentencing hearing, the circuit court revoked his probation and sentenced him to fifteen years' imprisonment in the Arkansas Department of Correction.

A circuit court may revoke a defendant's probation if it finds by a preponderance of the evidence that the defendant has inexcusably failed to comply with a condition of the probation. Ark. Code Ann. § 5-4-309(d) (Repl. 2006). In revocation proceedings, the State has the burden of proving a violation of a condition of probation by a preponderance of the evidence, and we will not reverse a circuit court's decision to revoke unless it is clearly against the preponderance of the evidence. *Bradley v. State*, 347 Ark. 518, 65 S.W.3d 874 (2002). The circuit court's determination is provided great deference because the circuit judge is in a superior position to determine the credibility of witnesses and the weight to be given to their testimony. *Denson v. State*, 2012 Ark. App. 105.

At the revocation hearing, Detective Michael Thomas testified that he knew the home was Bragg's residence because Thomas was a former neighbor. Numerous officers testified that they found guns in the residence, and Officer Dennis Cox testified that Bragg was found in a bed in the room where the officers recovered the majority of the weapons. After weighing the testimony, the court found that the State proved Bragg violated the terms of his probation. Revocation is proper when only one ground is proven. Bragg's possession of numerous firearms established a violation of probation. The circuit court's

finding that Bragg violated his probation was not clearly against the preponderance of the evidence, and therefore we affirm.

Affirmed.

WYNNE and HIXSON, JJ., agree.

Wilson Law Firm, P.A., by: *E. Dion Wilson*, for appellant.

Dustin McDaniel, Att'y Gen., by: *Ashley Argo Priest*, Ass't Att'y Gen., for appellee.