

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR12-985

MICHAEL SHANE JOLLY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered May 1, 2013

APPEAL FROM THE SALINE
COUNTY CIRCUIT COURT
[NO. CR2008-512-3]

HONORABLE GRISHAM PHILLIPS,
JUDGE

AFFIRMED

RITA W. GRUBER, Judge

Michael Shane Jolly was charged with first-degree criminal mischief, a Class C felony, for spray-painting racial slurs on a trailer owned by a person who had biracial children. He pleaded guilty to the charge in May 2010; he was sentenced to 120 days in the county jail and was placed on 120 months' probation subject to certain conditions. The State subsequently alleged in a petition to revoke that Jolly had violated conditions of his probation. At the conclusion of a hearing in July 2012, the circuit court revoked Jolly's probation and sentenced him to eighty-four months' imprisonment in the Arkansas Department of Correction.

Jolly now appeals, contending that the circuit court abused its discretion by sentencing him to prison rather than reinstating probation. When the only issue is whether the trial court abused its discretion, we may affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985) (per curiam). We have examined the parties' briefs



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and the applicable law, and we find no abuse of discretion by the trial court in sentencing Jolly to a term of imprisonment. We therefore affirm by memorandum opinion.

Affirmed.

HARRISON and BROWN, JJ., agree.

J. Brent Standridge, Saline County Deputy Public Defender, for appellant.

Dustin McDaniel, Att'y Gen., by: *David R. Raupp*, Sr. Ass't Att'y Gen., for appellee.