

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-13-943

JAMES E. PRACKETT

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 18, 2014

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2008-1208]

HONORABLE CHARLES A.
YEARGAN, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

RITA W. GRUBER, Judge

Appellant James E. Prackett entered a plea of guilty on April 9, 2009, to the felony charge of arson and was given a sentence of seventy-two months' suspended imposition of sentence. The circuit court revoked his suspended sentence on January 28, 2010, and sentenced him to forty-eight months' imprisonment followed by twenty-four months' suspended imposition of sentence. On May 16, 2013, the State filed a petition to revoke appellant's suspended sentence, alleging that he violated the conditions thereof by failing to pay fines, fees, and costs as directed; failing to notify the sheriff of current address and employment; and possessing drug paraphernalia with the purpose to use. After a hearing, the trial court found that appellant had violated the conditions of his probation and sentenced him to twenty-four months in the Arkansas Department of Correction on July 31, 2013.

Pursuant to Arkansas Supreme Court Rule 4-3(k) (2013), appellant's counsel has filed

a motion to be relieved, stating that there is no merit to the appeal. The motion is accompanied by an abstract and addendum of the proceedings below, including all objections and motions decided adversely to appellant, and a brief in which counsel explains why there is nothing in the record that would support an appeal. The clerk of this court served appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant has filed no such statement.

The sufficiency of the evidence to revoke appellant's suspended sentence was the only ruling adverse to appellant in this case. A suspended sentence may be revoked when a trial court finds by a preponderance of the evidence that the defendant has inexcusably failed to comply with a condition of suspension. *Jackson v. State*, 2011 Ark. App. 125. The State need only show that the defendant committed one violation to sustain a revocation. *Maxwell v. State*, 2010 Ark. App. 822. We will not reverse a revocation unless the decision is clearly against the preponderance of the evidence. *Fellows v. State*, 2014 Ark. App. 85, at 2.

Testimony at trial by the collector of fines for the Crittenden County Sheriff's Department established that appellant had made no payments toward his costs or fines since January 28, 2010, and that appellant had not contacted the sheriff's office to explain why no payments had been made. Although appellant was imprisoned on January 28, 2010, his probation officer testified that he had supervised appellant since his release from prison on August 24, 2012. From our review of the record and the brief presented to us, we find that counsel has complied with the requirements of Rule 4-3(k) and that the appeal is without merit. Accordingly, counsel's motion to withdraw is granted, and the revocation order is

affirmed.

Affirmed; motion to withdraw granted.

HARRISON and WOOD, JJ., agree.

C. Brian Williams, for appellant.

No response.