

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-14-381

HERMAN RAY FRASURE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered November 12, 2014

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2011-1297]

HONORABLE JOHN N. FOGLEMAN,
JUDGE

AFFIRMED

RHONDA K. WOOD, Judge

This is an appeal from a probation revocation. Herman Frasure argues that the circuit court improperly revoked his probation for use of marijuana. Because the court revoked on multiple, independent grounds, and Frasure attacks only one ground on appeal, we affirm the revocation.

Frasure pleaded guilty to felony theft of property in 2012 and was sentenced to 72 months' probation. In 2013, the State filed a petition to revoke Frasure's probation based on allegations that he violated multiple conditions of probation, which included the allegations that he failed to pay all fines and costs as ordered and that he possessed and used marijuana. At the revocation hearing, Frasure objected when his probation officer began to testify as to an absent probation officer's allegation that Frasure possessed and used marijuana. The court sustained Frasure's confrontation-clause objection. Thus, the court did not allow this testimony regarding whether Frasure

possessed or used marijuana. At conclusion of the hearing, the circuit court revoked Frasure's probation on the grounds that he used marijuana and that he failed to pay fines and costs as directed.

When a circuit court expressly bases its decision on multiple, independent grounds, and an appellant challenges only one of those grounds on appeal, we affirm without addressing the merits of the argument. *Morgan v. State*, 2012 Ark. App. 357. Here, the circuit court revoked Frasure's probation on two independent grounds: using marijuana and failing to pay fines and costs. Frasure's sole argument on appeal concerns the use of marijuana. This ruling was separate from the failure to pay fines and costs violation, and Frasure does not challenge the court's finding that he failed to pay in violation of his probation. Because Frasure failed to challenge both of the independent grounds relied on by the circuit court in revoking his probation, we affirm the revocation.

Affirmed.

GLOVER and VAUGHT, JJ., agree.

C. Brian Williams, for appellant.

Dustin McDaniel, Att'y Gen., by: *Jake H. Jones*, Ass't Att'y Gen., for appellee.