

# ARKANSAS COURT OF APPEALS

DIVISION IV  
No. CACR 08-1156

RAYMOND GRAVES

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered      JUNE 17, 2009

APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT,  
[NO. CR-04-326]

HONORABLE DAVID BURNETT,  
JUDGE

AFFIRMED

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## M. MICHAEL KINARD, Judge

Appellant, Raymond Graves, appeals from the revocation of his probation. We affirm the revocation.

Appellant was placed on probation for ten years in 2004 following a guilty plea entered on two counts of sale or delivery of a controlled substance. The terms of appellant's probation required that he not violate any state, federal, or municipal law and that he keep his probation officer and the county sheriff advised of his current address. On March 12, 2008, the State filed a petition to revoke appellant's probation, alleging several violations of appellant's conditions.

At the hearing before the circuit court, the State alleged that appellant violated the terms of his probation by engaging in two sales of illegal narcotics and by failing to keep his probation officer and the county sheriff advised of his current address. The drug transactions were, in actuality, sting operations by the police. The drug transactions occurred on

January 10 and 16, 2008. Video from the January 10, 2008 incident showed a man, identified as appellant, who sold what was identified as cocaine to a confidential informant. Regarding the January 16, 2008 incident, Officer Bailey Phillips with the West Memphis Police Department testified that appellant was a passenger in a vehicle when the driver sold cocaine to a different confidential informant. The record reflects that the State charged appellant with a separate offense for allegedly threatening the confidential informant who was involved in the January 10 transaction. At the conclusion of the hearing, the circuit court revoked appellant's probation based upon both of the drug transactions and appellant's failure to keep his address current. The circuit court sentenced appellant to 300 months' imprisonment in the Department of Correction. This timely appeal followed.

Appellant's first point on appeal is that the trial court erred by not requiring the State to reveal the identity of the confidential informants who assisted in the sting operations that resulted in appellant's arrests. Appellant cites *Bennett v. State*, 252 Ark. 128, 477 S.W.2d 497 (1972) (citing *Roviaro v. United States*, 353 U.S. 53 (1957)), for the proposition that revealing the identity of a confidential informant is required in cases in which the informant participated in the offense. However, in a more recent case, our supreme court cited *Roviaro*, *supra*, and held that whether the identity of a confidential informant is to be disclosed depends on the circumstances of the case. *Thompson v. State*, 298 Ark. 502, 769 S.W.2d 6 (1989). The court further stated that disclosure of the identity of an informant would be necessary if the State planned to call the informant as a witness to show that the informant

participated in the crime or the manner in which the crime was committed. *Id.* However, the court stated that it is not necessary to reveal the identity of the informant if the informant is merely to be referred to as someone who assisted in the investigation leading to the arrest. *Id.* In the case at bar, the State did not call the confidential informant as a witness. The evidence admitted came from the video of the January 10 transaction and the officer who testified about the January 16 transaction and who was cross-examined by appellant. None of the evidence came directly from either of the confidential informants. Therefore, we hold that the trial court did not err in not requiring the State to reveal the identity and contact information of the confidential informants.

Appellant also argues on appeal that the trial court erred in allowing copies of state crime lab reports into evidence. The crime lab reports at issue are the reports that identify as cocaine the substance sold during the drug transactions. Appellant objected to the introduction of copies instead of original documents. However, the hearing before the trial court was a revocation proceeding, not a criminal trial. Evidence that may be inadmissible in a criminal trial can be admitted during a revocation hearing, where the rules of evidence do not apply. *K.N. v. State*, 360 Ark. 579, 203 S.W.3d 103 (2005). In addition, the copies presented had indicia of reliability such as attestation statements and crime lab letterhead along with the testimony of the arresting officers that the reports were accurate. We hold that the trial court did not err in allowing the reports into evidence.

Appellant's probation was revoked due to both the January 10 and January 16 drug

transactions. In a revocation proceeding, the State need prove only one violation of the defendant's conditions. *Phillips v. State*, 101 Ark. App. 190, 272 S.W.3d 123 (2008). We have disposed of all points on appeal pertaining to the January 16 transaction and have held in favor of affirming the revocation. As appellant's remaining point on appeal deals solely with the January 10 transaction, we decline to address appellant's remaining point because the State has proven that appellant violated the conditions of his probation through his participation in the January 16 transaction.

Affirmed.

VAUGHT, C.J., and BROWN, J., agree.