

fees, and costs. After conducting a hearing, the court found that Giffin had violated the terms and conditions of his probation, revoked the probation, and sentenced him to ten years' imprisonment. On appeal, Giffin claims that the trial court erred in its decision to revoke because his failure to pay was not willful and was excusable.

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. *See* 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 the 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). Once the State introduces evidence showing a violation of a condition related to costs, the defendant then bears the burden of going forward with some reasonable excuse for his failure to pay. *Palmer v. State*, 60 Ark. App. 97, 959 S.W.2d 420 (1998).

Here, Jo Frederickson, a probation-parole officer, testified that Giffin signed the terms and conditions of his probation, which included a condition that he pay a \$3500 fine and \$484.95 in court costs at a rate of \$70 per month. At the time the revocation petition was filed, Giffin was \$1540 in arrears. No payments were tendered after the revocation petition was filed and the probation office received no explanation as to why the payments had stopped.

At the hearing Giffin testified that his failure to pay was directly related to his move from Arkansas to Minnesota. He stated that upon his transfer to Minnesota, he initially made his payments. But, after his girlfriend burned all of his personal effects, his payments lapsed.

He further testified that he had attempted to send a \$100 payment and a \$600 payment toward his debt, but that he could not get the correct information from the Miller County probation office. However, Faye Walden testified that after Giffin's initial intake she sent an interstate packet of information about Giffin and the conditions of his probation to Minnesota. Walden further testified that Giffin was given instructions as to his reporting requirements for the Minnesota probation office.

The trial court discounted Giffin's testimony, deeming it incredible. The court further found that once the State presented evidence of nonpayment, Giffin tendered no reasonable excuse. As such, the trial court found that the State's proof was sufficient. *Palmer, supra*. We review the evidence in the light most favorable to the State, *Sisk v. State*, 81 Ark. App. 276, 101 S.W.3d 248 (2003), and defer to the circuit court's superior position on questions of credibility and weight to be given the testimony. *Mashburn v. State*, 87 Ark. App. 89, 189 S.W.3d 73 (2004). Here, the question on appeal hinges on the trial court's credibility determination, which the trial court affirmatively resolved against Giffin. As such, we defer to the trial court's superior position to judge such matters and affirm the trial court's revocation.

Affirmed.

MARSHALL and BAKER, JJ., agree.