Cite as 2010 Ark. App. 25

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR09-562

HO VAN NGUYEN APPELLANT V. STATE OF ARKANSAS APPELLEE	**Opinion Delivered** January 13, 2010 APPEAL FROM THE BENTON COUNTY CIRCUIT COURT [NOS. CR-2006-295-1; CR-2006-1799-1] HONORABLE ROBIN GREEN, JUDGE AFFIRMED

JOHN MAUZY PITTMAN, Judge

This is an appeal from the revocation of appellant's probation in two cases. After a hearing, appellant was found to have had methamphetamine in his possession during the probationary periods. His probation was therefore revoked and he was remanded to the Arkansas Department of Correction. Appellant concedes on appeal that revocation of probation and incarceration upon a finding that the conditions thereof have been violated are in fact authorized by statute, and he does not argue that the evidence was insufficient to support the finding that he violated the conditions of his probation. Instead, appellant simply asserts that imprisonment was too harsh a penalty under the circumstances when a less severe disposition was available. We affirm.

Appellant does not contend that the punishment imposed on revocation was cruel and unusual. Appellant simply asserts that, because no drugs were found on his person, and because there was no evidence that he was selling drugs, the trial court should merely have ordered him to attend a drug-treatment program. Therefore, he argues, the trial court erred in sentencing him to imprisonment for violating the conditions of his probation. We disagree.

Appellant's prior convictions were for possession of controlled substances, simultaneous possession of controlled substances and firearms, and domestic battery. In light of these circumstances, we cannot say that the trial court abused its discretion by sentencing appellant to imprisonment after he violated the conditions of his probation by again possessing controlled substances. The trial court was not required to wait and see if appellant would again commit another crime before ordering incarceration. *See Ross v. State*, 22 Ark. App. 232, 738 S.W.2d 112 (1987). Furthermore, in light of appellant's failure to present reasoned argument or legal authority for his assertion that his punishment was so harsh under the circumstances to constitute an abuse of discretion warranting reversal, we view his argument as being, in essence, a plea for clemency that should be addressed to the executive branch. *See Hughes v. State*, 264 Ark. 723, 574 S.W.2d 888 (1978).

Affirmed.

HART and GLADWIN, JJ., agree.