

Cite as 2023 Ark. App. 329
ARKANSAS COURT OF APPEALS
DIVISION I
No. CR-22-483

CARL SKAGGS		Opinion Delivered May 31, 2023
	APPELLANT	APPEAL FROM THE JOHNSON COUNTY CIRCUIT COURT [NO. 36CR-19-100]
V.		
STATE OF ARKANSAS		HONORABLE JAMES DUNHAM, JUDGE
	APPELLEE	AFFIRMED; MOTION TO WITHDRAW GRANTED

RITA W. GRUBER, Judge

This case arises out of a petition to revoke (PTR) filed in a Johnson County Circuit Court case. It is a companion to another case handed down today: *Skaggs v. State*, 2023 Ark. App. 325, which arises out of a PTR filed in a Franklin County Circuit Court case (*Skaggs I*). Both are no-merit appeals stemming from the revocation of a suspended imposition of sentence (SIS).

Appellant Carl Skaggs's counsel has filed a no-merit brief and a motion to be relieved pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(b)(1) (2022), stating that there are no meritorious grounds to support an appeal. Skaggs filed pro se points, and the State has filed a brief in response. The no-merit brief, Skaggs's pro se points, and the State's response filed in this case are identical to those filed in *Skaggs I*.

A circuit court's revocation of an SIS will be affirmed on appeal unless the decision is clearly against the preponderance of the evidence. *Cessna v. State*, 2023 Ark. App. 9, at 4. Sufficient evidence that the appellant violated any one SIS condition is all that is required to revoke. *Id.* This court defers to the circuit court's determinations regarding witness credibility and the weight to be accorded testimony. *Id.*

In this case, Skaggs was convicted of felony theft of property and sentenced to thirty-six months' imprisonment in the Arkansas Department of Correction (ADC) and thirty-six months' SIS, along with court costs and fees. Skaggs's SIS was revoked on the basis of evidence presented by the State at a combined revocation hearing as detailed in *Skaggs I*, after which he was sentenced to thirty-six months in the ADC to run concurrently with the sentence imposed in *Skaggs I*. Thus, every ruling adverse to Skaggs in this appeal is the same as those discussed in *Skaggs I*.¹ In *Skaggs I*, we agreed with counsel that Skaggs had no meritorious claim regarding the revocation or sentencing. We likewise determined in *Skaggs I* that none of Skaggs's pro se points could support a meritorious appeal. The same is true here for the reasons set out in *Skaggs I*. From our review of the record and the brief presented, we conclude that counsel has complied with the requirements of *Anders* and Rule 4-3 and

¹The PTR here alleged only one violation in connection with the new possession charge stemming from the April 2021 arrest. The *Skaggs I* PTR alleged the same violation, as well as others. Given that only one violation was alleged in this case, the portions of the *Skaggs I* opinion addressing the other violations are inapplicable here and did not impact the disposition of this case.

hold that the appeal in this case would be wholly without merit. Accordingly, we affirm the revocation and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

GLADWIN and KLAPPENBACH, JJ., agree.

Samuel F. Eastman, for appellant.

Leslie Rutledge, Att'y Gen., by: *Davie L. Eanes, Jr.*, Ass't Att'y Gen., for appellee.