

Cite as 2023 Ark. App. 407
ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-22-772

FRANK G. GRIFFITH

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 27, 2023

APPEAL FROM THE GREENE
COUNTY CIRCUIT COURT
[NO. 28CR-19-846]

HONORABLE RANDY F.
PHILHOURS, JUDGE

AFFIRMED; REMANDED TO
CORRECT SENTENCING ORDER

N. MARK KLAPPENBACH, Judge

Frank G. Griffith appeals the revocation of his probation in a companion case to *Griffith v. State*, 2023 Ark. App. 406, also handed down today. In a joint hearing, the Greene County Circuit Court heard revocation petitions in two cases—the case on appeal here and the case decided in the companion appeal. We affirm the revocation and remand to correct the sentencing order.

In May 2021, Griffith was placed on five years' probation after pleading guilty to possession of a controlled substance and possession of drug paraphernalia in case No. 28CR-19-846. The State filed a petition to revoke probation in October 2021, alleging that Griffith had violated the conditions of his probation by failing to report, failing to provide medical documentation, failing to obtain a drug-and-alcohol assessment, and failing to pay his

financial obligations. In March 2022, the State filed a supplemental petition to revoke alleging that Griffith had been arrested for new offenses and had failed to contact his probation officer. At the August 2022 revocation hearing, Griffith's probation officer testified regarding his failure to abide by the probation conditions, and the circuit court found by a preponderance of the evidence that Griffith had violated the conditions of probation. Griffith was sentenced to six years' imprisonment for the offense of possession of a controlled substance and six years' suspended imposition of sentence for the offense of possession of drug paraphernalia.

On appeal, Griffith argues that the revocation should be reversed because "it is not clear from the record that the trial court knew the terms and conditions of Appellant's probation," no written probation conditions were introduced at the hearing, and no witness testified about the specific probation conditions. As explained in *Griffith, supra*, Griffith's argument is not preserved for appeal, and in any event, the conditions of probation were, in fact, admitted into evidence. Accordingly, we affirm the revocation. As in *Griffith, supra*, count 1 on the sentencing order incorrectly reflects that this was not a revocation, and we remand to the circuit court to correct the sentencing order.

Affirmed; remanded to correct sentencing order.

HARRISON, C.J., and BROWN, J., agree.

James Scurlock, for appellant.

Tim Griffin, Att'y Gen., by: *A. Evangeline Bacon*, Ass't Att'y Gen., for appellee.