

Cite as 2023 Ark. App. 413
ARKANSAS COURT OF APPEALS
DIVISION II
No. CR-22-768

ROY UGARTECHEA

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 27, 2023

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. 26CR-18-318]

HONORABLE RALPH C. OHM,
JUDGE

AFFIRMED

CINDY GRACE THYER, Judge

Roy Ugartechea appeals a Garland County Circuit Court’s sentencing order revoking his probation and sentencing him to ten years’ imprisonment.¹ On appeal, he claims that there was insufficient evidence that he willfully violated the terms and conditions of his probation. We affirm.

Ugartechea pled guilty in January 2019 to one count of residential burglary and was sentenced to ten years’ probation, subject to certain terms and conditions. As part of the terms and conditions of his probation, he was prohibited from committing a criminal offense

¹This is a companion case to another criminal case, No. 26CR-17-538, in which Ugartechea had also been initially placed on probation. The circuit court had held a combined revocation hearing on both cases but issued separate sentencing orders in each case revoking Ugartechea’s probation. Ugartechea has filed separate appeals, and today, we hand down opinions in both appeals. See *Ugartechea v. State*, 2023 Ark. App. 412.

punishable by imprisonment and from using, selling, distributing, or possessing any controlled substance. He was further ordered to report to a supervising officer; to pay a \$500 fine; to pay restitution in the amount of \$100; and to pay other court costs and fees.

In March 2022, the State filed a petition to revoke alleging that Ugartechea had violated the terms and conditions of his probation by using controlled substances; failing to report; and failing to make payments on his fines, fees, and restitution. The State subsequently amended its petition in May 2022, to include an allegation that he had violated the condition prohibiting him from committing a criminal offense.

The circuit court held a hearing on the State's petition in August 2022. This hearing was combined with the revocation hearing in his companion case, No. 26CR-17-538. The evidence presented at the revocation hearing has been detailed in our separate opinion in the companion case. *Ugartechea v. State*, 2023 Ark. App. 412.

Because the facts, issues on appeal, and arguments presented here are identical to those presented in his companion case, which we also hand down today, we find it unnecessary to restate them herein. *See Raino v. State*, 2021 Ark. App. 337. Furthermore, on the basis of our reasoning set forth in the companion case, we affirm Ugartechea's revocation.

Affirmed.

BARRETT and WOOD, JJ., agree.

Robert M. "Robby" Golden, for appellant.

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

