

Cite as 2024 Ark. App. 186
ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-23-289

JOSHUA JOYCE		Opinion Delivered March 13, 2024
	APPELLANT	APPEAL FROM THE CRITTENDEN COUNTY CIRCUIT COURT
V.		[NOS. 18CR-15-133; 18CR-15-893; 18CR- 22-33]
STATE OF ARKANSAS		HONORABLE DAN RITCHEY, JUDGE
	APPELLEE	
		AFFIRMED

N. MARK KLAPPENBACH, Judge

Joshua Joyce appeals from the order of the Crittenden County Circuit Court revoking his suspended imposition of sentence (SIS) and sentencing him to seven years' imprisonment and two years' SIS. We affirm.

In 2015, Joyce pleaded guilty to possession of a firearm by certain persons in case No. 18CR-15-133 and was sentenced to 120 days in jail and three years' SIS. Joyce's SIS was revoked in 2017, and he was sentenced to six years' SIS. Also in 2017, Joyce pleaded guilty to possession of a firearm by certain persons in case No. 18CR-15-893 and was sentenced to six years' probation. In 2019, Joyce's probation was revoked, and he was sentenced to three years' imprisonment and ten years' SIS. In 2022, Joyce pleaded guilty to possession of a controlled substance and was sentenced to five years' SIS in case No. 18CR-22-33. In January

2023, the State filed a petition to revoke Joyce's SIS in all three cases, 18CR-15-133, 18CR-15-893, and 18CR-22-33. A revocation hearing was held in February 2023, and the circuit court found by a preponderance of the evidence that Joyce had violated the terms and conditions of his SIS in each of his three cases. The court sentenced Joyce to an aggregate of seven years' imprisonment and two years' SIS.¹

To revoke a suspended sentence, the State bears the burden of proving by a preponderance of the evidence that the defendant violated a condition of the suspended sentence. *Daniels v. State*, 2019 Ark. App. 473, 588 S.W.3d 116. On appeal, a circuit court's revocation of a suspended sentence will be affirmed unless the decision is clearly against the preponderance of the evidence. *Id.* Evidence that is insufficient for a criminal conviction may be sufficient for revocation of a suspended sentence. *Id.* When multiple violations are alleged, a circuit court's revocation will be affirmed if the evidence is sufficient to establish that the appellant violated any one condition of the SIS. *Id.*

Here, the court found that Joyce had failed to make regular and timely payments, had possessed ecstasy, and had driven with a suspended license when he knew or should have known that there was a firearm in the vehicle. Joyce challenges all of these grounds on appeal. We hold that the circuit court's finding that Joyce possessed ecstasy in violation of

¹The court announced at the hearing that it was not going to impose a sentence in case No. 18CR-15-133; the amended sentencing order reflects that Joyce was acquitted of this count.

his SIS was not clearly erroneous. Accordingly, we affirm the revocation on this ground, and it is unnecessary to address the other grounds.

Detective Jamie Counce of the West Memphis Police Department testified that he conducted a traffic stop of the vehicle Joyce was driving on August 1, 2022. After asking Joyce to exit the vehicle, Counce asked Joyce for consent to search him, and Joyce consented. Counce then found a bag containing 2.6 grams of suspected ecstasy in Joyce's pants pocket. After being advised of his *Miranda* rights at the police station, Joyce stated that the ecstasy was his and that he used it for medical reasons. Joyce testified in his defense and acknowledged he had possessed ecstasy and that he did not have a prescription for it. He testified that in addition to using ecstasy, he took a prescription medication for a seizure disorder.

On appeal, Joyce argues that because he testified that he used ecstasy for medical purposes, his possession of it should be treated like medical marijuana and should not be considered a violation of the terms of his SIS. We disagree. Medical marijuana was legalized by constitutional amendment, but there has been no legalization of ecstasy for medical use. See Ark. Const. amend. 98. Possession of ecstasy, even if used to self-medicate, constitutes possession of a controlled substance in violation of the directive to live a law-abiding life. See *Stanley v. State*, 2023 Ark. App. 89, 661 S.W.3d 218. Accordingly, we affirm the revocation without addressing Joyce's other arguments.

Affirmed.

HIXSON and BROWN, JJ., agree.

Tim Cullen, for appellant.

Tim Griffin, Att'y Gen., by: *Joseph Karl Luebke*, Ass't Att'y Gen., for appellee.