

Cite as 2024 Ark. App. 267

**ARKANSAS COURT OF APPEALS**

DIVISION II

No. CR-23-513

JIMMY WOODARD

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 17, 2024

APPEAL FROM THE CRAIGHEAD COUNTY  
CIRCUIT COURT, WESTERN DISTRICT  
[NO. 16JCR-18-952]

HONORABLE CHRIS THYER, JUDGE

AFFIRMED

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**WAYMOND M. BROWN, Judge**

Appellant Jimmy Woodard appeals the Craighead County Circuit Court’s sentencing order revoking his suspended imposition of sentence (SIS) and sentencing him to twelve years’ imprisonment with an additional five years’ suspended imposition of sentence.<sup>1</sup> On appeal, he claims there was insufficient evidence that he willfully violated the terms and conditions of his probation. Specifically, he argues that there was no evidence that he had actual or constructive possession of contraband. We affirm.

On August 17, 2018, Woodard was charged by information with possession of more than two but less than ten grams of methamphetamine in violation of Ark. Code Ann. § 5-64-419.<sup>2</sup> In

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<sup>1</sup>This is a companion case to another criminal case, *Woodard v. State*, 2024 Ark. App. 266, in which Woodard was also placed on SIS. The circuit court held a combined revocation hearing on both cases but issued separate sentencing orders in each case revoking Woodard’s SIS. He has filed separate appeals, and today, we hand down opinions in both appeals.

<sup>2</sup>(Supp. 2023).

August 2019, Woodard entered a guilty plea, and the case was transferred to drug court with sentencing deferred pending his compliance with the terms and conditions of drug court. On October 6, 2020, the State filed a petition to terminate Woodard's participation in drug court and to impose sentence alleging that he had violated the terms and conditions of the drug-court program by possessing a controlled substance and by failing to pay fines and court fees. The case was transferred back to the circuit court.

On October 22, 2020, Woodard was sentenced as a habitual offender to two years' incarceration in the Community Correction Center with an additional five years' suspended sentence.<sup>3</sup> As part of the terms and conditions of Woodard's suspended sentence, he was prohibited from committing a criminal offense punishable by imprisonment and from using, selling, distributing, or possessing any controlled substance.

On November 29, 2022, the State filed a petition to revoke Woodard's suspended sentence alleging that he had violated the terms and conditions of his suspended sentence by committing the following new offenses: possession of more than two but less than ten grams of methamphetamine; tampering with physical evidence; and possession of drug paraphernalia. A supplemental revocation petition was filed on February 1, 2023, alleging that Woodard had violated the terms of his SIS by possessing less than two grams of methamphetamine on January 14.

The circuit court held a hearing on the State's revocation petition on April 6. This hearing was combined with the revocation hearing in the companion case, *Woodard*, 2024 Ark. App. 266.

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<sup>3</sup>This sentence was ordered to run concurrently with Woodard's sentence in the companion case, 2024 Ark. App. 266.

The evidence presented at the revocation hearing has been detailed in our separate opinion in the companion case.

Because the facts, issues on appeal, and arguments presented here are identical to those presented in the companion case, which we also hand down today, we find it unnecessary to restate them herein.<sup>4</sup> Furthermore, on the basis of our reasoning set forth in the companion case, we affirm Woodard's revocation.

Affirmed.

WOOD and HIXSON, JJ., agree.

*Terry Goodwin Jones*, for appellant.

*Tim Griffin*, Att'y Gen., by: *Lauren Elizabeth Heil*, Ass't Att'y Gen., for appellee.

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<sup>4</sup>See *Raino v. State*, 2021 Ark. App. 337.