

Cite as 2023 Ark. App. 420  
**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CR-23-38

GYEON PORTER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 27, 2023

APPEAL FROM THE CRAIGHEAD  
COUNTY CIRCUIT COURT,  
WESTERN DISTRICT  
[NO. 16JCR-21-233]

HONORABLE CHRIS THYER, JUDGE

AFFIRMED; REMANDED TO  
CORRECT THE SENTENCING  
ORDER

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**MIKE MURPHY, Judge**

Appellant Gyeon Porter appeals the Craighead County Circuit Court’s revocation of his probation. Porter raises the same point on appeal as in *Porter v. State*, 2023 Ark. App. 419, \_\_\_ S.W.3d \_\_\_\_, which is also handed down today. The relevant facts, Porter’s arguments, and this court’s conclusions are set forth in the companion case and are incorporated herein. Accordingly, we affirm the revocation of Porter’s probation.

We do, however, remand this case to correct the sentencing order. The sentencing order in case No. 16JCR-21-233 states that Porter was convicted and sentenced for possession of marijuana in violation of Arkansas Code Annotated section 5-64-436(b)(2). Porter, however, had pleaded guilty to possession of drug paraphernalia; the marijuana-possession charges had been nolle prossed. It is clear from the transcript that the court sentenced Porter

to six years' imprisonment in 16JCR-21-233. The only charge in that case was the possession of drug paraphernalia, a Class D felony, for which the maximum sentence is six years. It is clear from this record the mistake is not a result of an exercise of the court's judicial discretion but from a recording mistake on the part of its officers (or perhaps someone else). Accordingly, we remand to correct the sentencing order. *Walls v. State*, 2023 Ark. App. 49, at 6, 659 S.W.3d 741, 744.

Affirmed; remanded to correct the sentencing order.

GLADWIN and GRUBER, JJ., agree.

*Terry Goodwin Jones*, for appellant.

*Tim Griffin*, Att'y Gen., by: *Adam Jackson*, Ass't Att'y Gen., for appellee.