

Cite as 2023 Ark. App. 417
ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-23-61

ALTON YOUNG

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 27, 2023

APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT, WESTERN
DISTRICT
[NO. 16]CR-20-1331]

HONORABLE CHRIS THYER,
JUDGE

AFFIRMED; REMANDED TO
CORRECT SENTENCING
ORDER

KENNETH S. HIXSON, Judge

This is a revocation case. On January 7, 2021, the trial court entered a sentencing order sentencing appellant Alton Young as a habitual offender to four years in prison followed by a five-year suspended imposition of sentence pursuant to Young's negotiated plea of guilty to possession of cocaine. On June 21, 2022, the State filed a petition to revoke Young's suspended sentence, alleging that he violated the conditions of his suspension by committing possession of cocaine and theft of property on May 26, 2022. After a hearing held on October 4, 2022, the trial court found that Young violated the conditions of his suspensions by committing both of these offenses. On the same day, the trial court entered

an order revoking Young's suspended sentence and sentencing him as a habitual offender to six years in prison followed by a five-year suspended imposition of sentence.

In this appeal, Young's sole argument is that there was insufficient evidence to support the revocation. We note that today this court is also handing down *Young v. State*, 2023 Ark. App. 416 (*Young I*). In *Young I*, Young appealed from the revocation of a suspended sentence that was based on the same allegations, the same hearing, and the same evidence on which the revocation in the instant matter was premised. And the arguments raised herein challenging the sufficiency of the evidence are precisely the same arguments Young made in *Young I*. Finding sufficient evidence to support his revocation in *Young I*, we affirmed the revocation in that case. In the present case, we affirm Young's revocation for the same reasons we expressed in *Young I*.

We further observe that, as in *Young I*, there are two sentencing issues in this case that require us to remand for entry of an amended sentencing order to correct the errors. As we explained in *Young I*, these sentencing errors include (1) requiring Young to complete drug rehabilitation while incarcerated; and (2) stating that Young entered a negotiated plea of guilty when, in actuality, he was found guilty by the trial court at the revocation hearing and was sentenced by the court. For the same reasons expressed in *Young I*, we affirm the revocation but we remand to the trial court to enter an amended sentencing order correcting these two errors.

Affirmed; remanded to correct sentencing order.

ABRAMSON and VIRDEN, JJ., agree.

Terry Goodwin Jones, for appellant.

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