

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR08-419

WALTER R. ROBERTSON, II
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered March 11, 2009

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT,
[NO. CR-2007-795]

HONORABLE STEPHEN TABOR,
JUDGE

AFFIRMED

JOSEPHINE LINKER HART, Judge

After correcting a deficiency in his addendum¹ pursuant to our unpublished November 12, 2008 opinion in this case, Walter R. Robertson, II, again appeals from an order of the Sebastian County Circuit Court revoking his suspended sentence for Class C felony non-support. The trial court found that he had committed criminal trespass and that he “ willfully failed and refused” to pay restitution in his child-support cases. It sentenced Robertson to ten years in the Arkansas Department of Correction. On appeal, he argues that the State failed to prove by a preponderance of the evidence that he violated the terms and conditions of his suspended sentence. We affirm.

The State alleged, in addition to Robertson’ s failure to pay restitution and fees, that

¹ In addition to the original disposition order, the terms and conditions of his suspended sentence, and the State’s petition to revoke, Robertson’s appellate counsel has also included what appears to be a bankruptcy document and a divorce decree from unrelated cases.

Robertson also violated the terms and conditions of his suspended sentence by committing criminal trespass. The trial court, in addition to finding that Robertson willfully failed to pay restitution and fees, also found that he had engaged in the conduct constituting criminal trespass. However, Robertson only challenges on appeal whether his failure to pay fees or costs was willful. Because the State need only prove one ground for revocation, Robertson' s failure to challenge the finding that he committed criminal trespass is fatal to his appeal. When a trial court expressly bases its decision on multiple, independent grounds, and an appellant challenges only one of those grounds on appeal, we affirm without addressing the merits of the argument. *See Pugh v. State*, 351 Ark. 5, 89 S.W.3d 909 (2002).

Affirmed.

GLOVER and HENRY, JJ., agree.