

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
D. P. MARSHALL JR., JUDGE

DIVISION II

CACR07-1094

7 May 2008

EDDIE L. MATLOCK,

v.

APPELLANT

STATE OF ARKANSAS,

APPELLEE

AN APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[CR2001-2773]

THE HONORABLE JOHN W.
LANGSTON, JUDGE

AFFIRMED

In 2001, Eddie Matlock was found guilty of second-degree battery and sentenced to five years' probation. In 2003, he pleaded guilty to violating his probation conditions. The circuit court sentenced him to five more years' probation. The court revoked Matlock's probation again in 2007, this time for using marijuana and failing to report to his probation officer. Matlock challenges both grounds for revocation as being clearly against the preponderance of the evidence. Specifically, he argues that the State failed to prove that his violations were inexcusable.

Matlock's probation conditions required him to obey all laws and submit to drug screens. His probation officer testified at the revocation hearing that Matlock tested

positive for marijuana four times between August 2005 and January 2006. Matlock testified that he had never used marijuana. He explained that he spent time at a pool hall where other people may have been smoking marijuana, and this exposure was the only possible cause of his positive test results.

The issue was credibility. The circuit court did not believe Matlock's explanation for his four positive drug tests during a five-month period. We defer to the circuit court's superior position to evaluate all the witnesses' credibility and decide the weight of all the evidence. *Bedford v. State*, 96 Ark. App. 38, 40, 237 S.W.3d 516, 517 (2006). The court's revocation of Matlock's probation for using marijuana was not clearly against the preponderance of the evidence. *Richardson v. State*, 85 Ark. App. 347, 350, 157 S.W.3d 536, 538 (2004).

The State needed to prove only one ground to revoke Matlock's probation. *Ibid.* We therefore do not address the failure-to-report ground.

Affirmed.

PITTMAN, C.J., and ROBBINS, J., agree.