

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
SAM BIRD, JUDGE

DIVISION IV

CACR07-1298

MAY 28, 2008

DWIGHT E. WHITE
APPELLANT

APPEAL FROM THE SEBASTIAN
COUNTY, FORT SMITH DISTRICT
COURT
[NOS. CR-02-114 & CR-02-1212]

V.

HON. JAMES O. COX, JUDGE

STATE OF ARKANSAS
APPELLEE

AFFIRMED

Dwight E. White appeals the revocation of his suspended sentence for two underlying offenses of fourth-offense driving while intoxicated. He contends that the evidence was insufficient to support the revocation. We hold that the evidence was sufficient to support the trial court's findings that White violated terms and conditions of his suspended sentence, and we affirm the revocation.

The terms and conditions of White's suspended sentence forbid his possession or use of any narcotic, drug, or substance prohibited by the controlled substance law. In its petition to revoke, the State alleged that White had committed the crimes of possession of cocaine and possession of cocaine with intent to deliver. White argues on appeal that the State presented "nothing to show he actually had intent to deliver, just that he possessed the contraband." Although the evidence may be insufficient in a probation revocation proceeding to sustain

an allegation that an appellant committed a specific offense, the revocation will be sustained if the evidence establishes a lesser included offense. *Willis v. State*, 76 Ark. App. 81, 62 S.W.3d 3 (2001). The State need show that the appellant committed only one violation in order to sustain a revocation. *Phillips v. State*, 101 Ark. App. 190, ___ S.W.3d ___ (2008).

Detectives Scott Campbell and Paul Smith of the Fort Smith Police Department testified at the revocation hearing that, on March 8, 2007, a confidential informant purchased cocaine in a controlled buy from White at his residence. Detective Wayne Barnett testified regarding a separate incident of August 22, 2007: after receiving information that White was standing in front of his residence and was in possession of crack cocaine, Barnett made contact with him and found on his person two wrapped packages of crack cocaine, a straight glass pipe with burnt residue, and fifty dollars of police buy money. According to Barnett, White admitted smoking cocaine almost every day and within the previous couple of hours.

We hold that the detectives' testimony constitutes sufficient evidence to show that White violated the terms and conditions of his suspended sentence by possessing cocaine. Therefore, the revocation is affirmed.

Affirmed.

PITTMAN, C.J., and VAUGHT, J., agree.