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

DIVISION II

CACR06-907

16 May 2007

JACKIE W. THACKER,
APPELLANT

v.

AN APPEAL FROM THE SEBASTIAN COUNTY CIRCUIT COURT [CR-2000-920B, CR-2001-301, CR-2003-1095]

STATE OF ARKANSAS,

APPELLEE

JUDGE

HONORABLE JAMES ROBERT
MARSCHEWSKI, CIRCUIT

AFFIRMED

In 2001 and 2004, Jackie Thacker pleaded guilty to several offenses. In each case, Thacker received a suspended sentence. His suspended sentences were conditioned on good behavior, which included not violating any law. In 2006, the circuit court concluded that Thacker had committed harassment and revoked his suspended sentences. Ark. Code Ann. § 5-71-208 (Repl. 2005).

The alleged harassment occurred in October 2005 at the Sebastian County Retirement Center. Thacker lived at the Center pursuant to a court order entered in a previous revocation proceeding that did not result in revocation. April Moore (a Center employee) testified that Thacker had sent her vulgar text messages and letters. The State entered examples of these letters into evidence. Moore also testified that, at various times, Thacker

exposed himself to her, confronted her after he had smeared blood on himself, and pinned her against a laundry room wall. She eventually quit her job at the Center as a result of Thacker's actions. Moore's cousin, a cook at the Center, testified that he witnessed Thacker harass Moore.

Thacker makes two arguments on appeal, neither of which persuades us. Thacker first challenges Moore's version of events. He claims the two were actually involved in a relationship and Moore made up the harassment allegations to keep from getting fired. This is a matter of credibility, on which we defer to the circuit court. *Mashburn v. State*, 87 Ark. App. 89, 92, 189 S.W.3d 73, 75 (2004). Thacker also argues that his behavior was excusable because he has been diagnosed as a paranoid schizophrenic. This argument rests on only part of the story. Thacker had been on medication, and had been receiving counseling, for his mental problems for several months at the time the harassment occurred. This treatment undermines Thacker's effort to avoid responsibility for his actions based on his mental condition.

The circuit court's conclusion that Thacker inexcusably violated a condition of his suspended sentences by harassing Moore was not clearly against the prepondence of the evidence. We therefore affirm the revocations. *Richardson v. State*, 85 Ark. App. 347, 350, 157 S.W.3d 536, 538 (2004).

VAUGHT and HEFFLEY, IJ., agree.