

**ARKANSAS COURT OF APPEALS**DIVISION I  
No. CACR12-370

SHED LOVE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** October 24, 2012APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT,  
[NO. CR-08-353]HONORABLE RANDY F. PHILHOURS,  
JUDGE

AFFIRMED

**WAYMOND M. BROWN, Judge**

Appellant Shed Love appeals the revocation of his suspended imposition of sentence (SIS) by the Crittenden County Circuit Court. Love's sole point on appeal is that the trial court committed reversible error because it did not provide him with a reason for revoking his SIS. We affirm.

On May 29, 2008, Love pled guilty to burglary and was sentenced to five years' imprisonment with an additional five years suspended. He was also ordered to pay \$770 in court costs, fines, and fees at a rate of fifty dollars a month, sixty days after his release from prison. The terms of Love's SIS included that he (1) pay all fines, costs, and fees; (2) notify the sheriff of his current address and employment; (3) not violate any federal, state, or municipal law; and (4) not have a firearm in his possession.

The State filed a petition to revoke on November 17, 2011, alleging that Love had violated the terms and conditions of his SIS by (1) not paying his court-ordered fines, fees, and costs as directed; (2) not notifying the sheriff of his current address and employment; and (3) committing the new offenses of first-degree battery, being a felon in possession of a firearm, and fleeing.

Love's revocation hearing took place on January 18, 2012. Debra Wiseman testified that she was employed at the Crittenden County Sheriff's Department where she collects fines and costs. She stated that although she received a bill for Love in the amount of \$770, he had not made any payments. Daniel Scott testified that he was Love's parole officer, and that Love had not been employed since he was released from prison. Scott also stated that Love waived his right to a parole hearing.

Christine Landon testified that she lived at 805 Holiday Drive in West Memphis with her husband, Kevin Landon, and three children. She stated that Love shot her husband seven times on November 7, 2011, in front of their home, and that as a result, Kevin was presently confined to a wheelchair. She testified that on November 7, she went to dinner and Kevin went to visit his uncle. She said that she arrived home before Kevin, but that she had to call him to come unlock the door because she did not have her keys. Landon stated that when she arrived home, she noticed Love sitting in his car at his house, which was located at 800 Holiday Drive. According to Landon, when Kevin pulled up, Love got out of his car and began looking directly at them. She stated that Love said something as they were making their way to the door, and that Kevin told him that it was "nonsense." Landon and Kevin

went into their house and Landon stated that she began getting ready for work. She testified that when Kevin left the house to go back to his uncle's house, she heard "loud talking and an argument." She said that she opened her wooden door and saw Love walking toward her yard. According to Landon, by this time, Kevin and Love were "cursing back and forth." Landon testified that Love then pulled out a gun and started shooting. She said that Kevin was shot in his back and fell to the ground as he was trying to run. She stated that by the time she and her son made it outside, Love had fled in his car. Landon said that Kevin was shot in his back, arm, leg, side, and hip. She acknowledged that she saw Love shoot the firearm that injured her husband.

Detective Adam Simpson with the West Memphis Police Department testified that he spoke with Kevin and that Kevin confirmed that he was shot by Love. According to Det. Simpson, Kevin was afraid to return home immediately after being shot because he feared for his life.

At the conclusion of the hearing, the court found that Love had violated the terms and conditions of his SIS and sentenced him to thirteen years in the Arkansas Department of Correction. Love timely appealed from the revocation. This appeal followed.

In a hearing to revoke probation, the State must prove by a preponderance of the evidence that the defendant inexcusably violated a condition of his probation.<sup>1</sup> The State need only prove that the defendant committed one violation of the conditions.<sup>2</sup> We will

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<sup>1</sup>Ark. Code Ann. § 16-93-308(d) (Supp. 2011).

<sup>2</sup>*Blakes v. State*, 2009 Ark. App. 451, 320 S.W.3d 651 (2009).

reverse an order of revocation only if the trial court's findings are clearly against the preponderance of the evidence.<sup>3</sup> We defer to the trial court's superior opportunity to assess the credibility of the witnesses in determining where the preponderance of the evidence lies.<sup>4</sup>

Love does not argue that the evidence was insufficient to support his revocation. Rather, he argues that his revocation should be reversed because the court committed reversible error by not providing a reason for revoking his SIS. Arkansas Code Annotated section 16-93-307(b)(5)<sup>5</sup> states that if suspension or probation is revoked, the court shall prepare and furnish to the defendant a written statement of the evidence relied on and the reason for revoking suspension or probation.<sup>6</sup>

The State contends that the issue is not preserved for our review because Love failed to raise this argument to the circuit court. We agree. Love made no objection to the court's omission, precluding our consideration of the issue.<sup>7</sup>

Affirmed.

VAUGHT, C.J., and WYNNE, J., agree.

*C. Brian Williams*, for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Kathryn Henry*, Ass't Att'y Gen., for appellee.

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<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

<sup>5</sup>(Supp. 2011).

<sup>6</sup>Love mistakenly cites Ark. Code Ann. § 16-93-310(b)(5).

<sup>7</sup>See *Brandon v. State*, 300 Ark. 32, 776 S.W.2d 345 (1989).