

COURT OF APPEALS OF ARKANSAS

Devaron Henderson v. State of Arkansas

2026 Ark. App. 345 · No. CR-26-16 · Decided May 20, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the revocation of Devaron Henderson’s probation and granted appointed counsel’s motion to withdraw in a no-merit appeal. The court held that Henderson’s admissions to failing to report and failing to pay fees and costs were sufficient to support revocation, and that the sentence imposed was within the applicable statutory range. The court concluded that the appeal was wholly without merit under Anders and Arkansas Supreme Court Rule 4-3(b).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Arkansas                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Mike Murphy; Abramson; Brown                                                                                                                                                                                                                    |
| JURISDICTION          | Arkansas Court of Appeals, Division IV                                                                                                                                                                                                          |
| DECIDED               | May 20, 2026                                                                                                                                                                                                                                    |
| DOCKET                | CR-26-16                                                                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | No-merit appeal from the revocation of Henderson's probation and suspended imposition of sentence; counsel sought permission to withdraw under Anders and Arkansas Supreme Court Rule 4-3(b).                                                   |
| STANDARD OF REVIEW    | The appellate court will not reverse a probation-revocation finding unless it is clearly against the preponderance of the evidence. The existence of a preponderance of the evidence turns on credibility and the weight assigned to testimony. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                       |
| PARTIES               | Devaron Henderson v. State of Arkansas                                                                                                                                                                                                          |

TOPICS

- probation
- criminal procedure
- appellate procedure
- sentencing
- standard of review

PRACTICE AREAS

- criminal law
- probation revocation
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support revocation of Henderson's probation.
2. Whether the circuit court imposed an unauthorized or otherwise erroneous sentence by rejecting Henderson's request for lesser punishment, extended probation, or credit for time served in Texas.
3. Whether counsel complied with *Anders v. California* and Arkansas Supreme Court Rule 4-3(b)(1) such that counsel could withdraw in a no-merit appeal.

## HOLDINGS

1. A probation revocation is sustained when the State proves by a preponderance of the evidence that the defendant violated at least one probation condition. Henderson's admissions that he failed to report and failed to pay fees and court costs were sufficient to support revocation, regardless of the evidence concerning the alleged new domestic-battery offense.
2. The circuit court did not err in imposing three years' incarceration and two years' suspended imposition of sentence without credit for Henderson's Texas time served because the sentence was within the applicable statutory range and below the maximum sentence that could have been imposed originally.
3. Counsel complied with *Anders* and Arkansas Supreme Court Rule 4-3(b), and the appeal was wholly without merit; counsel's motion to withdraw was therefore granted.

## KEY QUOTATIONS

*"To revoke probation or suspended sentence, the State must prove by a preponderance of the evidence that the defendant violated a condition of his probation."* (at 3)

*"Even if the evidence were insufficient to prove that he committed a new criminal offense of domestic battery, the fact that Henderson pleaded true on the other two violations is sufficient for revocation."* (at 3)

*"Sentencing is entirely a matter of statute, and the circuit court has the authority to impose a particular sentence when it complies with the applicable statute."* (at 4)

## FACTUAL BACKGROUND

Henderson was placed on probation after pleading guilty to felony criminal mischief and endangering the welfare of a minor, and to driving while intoxicated. The State later alleged that he violated probation by failing to report, failing to pay fees and court costs, and committing a new offense. Henderson pleaded true to the reporting and payment violations and offered testimony concerning surgery, unemployment, financial hardship, and an erroneous Texas criminal-record entry. The circuit court revoked probation, sentenced him to three years' incarceration and two years' suspended imposition of sentence, and denied credit for time served in Texas.

## PROCEDURAL HISTORY

Henderson pleaded guilty to first-degree criminal mischief, first-degree endangering the welfare of a minor, and driving while intoxicated and received probation for the felonies and a suspended imposition of sentence for the misdemeanor. The Columbia County Circuit Court later revoked his probation after he pleaded true to failing to report and failing to pay fees and costs, imposed three years' incarceration and two years' suspended imposition

of sentence, and declined to award credit for time served in Texas. Henderson appealed, and appointed counsel filed a no-merit brief and motion to withdraw.

## DISPOSITION

affirmed

## CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Moore v. State, 2022 Ark. App. 5
- Stephenson v. State, 2023 Ark. App. 453
- Stewart v. State, 2021 Ark. App. 289, 624 S.W.3d 357
- Sivils v. State, 2021 Ark. App. 198, 623 S.W.3d 138
- Hogue v. State, 2024 Ark. App. 251, 687 S.W.3d 868