IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CP-00993-COA

CARL HOSKINS **APPELLANT**

v.

STATE OF MISSISSIPPI **APPELLEE**

DATE OF JUDGMENT:	07/10/2025
TRIAL JUDGE:	HON. STANLEY ALEX SOREY
COURT FROM WHICH APPEALED:	SIMPSON COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	CARL HOSKINS (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ALLISON ELIZABETH HORNE
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	REVERSED AND RENDERED - 10/27/2026
MOTION FOR REHEARING FILED:	

BEFORE WILSON, P.J., WESTBROOKS AND McCARTY, JJ.

McCARTY, J., FOR THE COURT:

¶1. While on post-release supervision for a felony conviction, a man was arrested. He was arrested on the suspicion he had committed three new felonies. He faced revocation for these new charges, but denied any illegal acts. The trial court revoked his release, but the charges were later dropped. He sought post-conviction relief, which was denied.

¶2. Finding there was no proof to sustain the revocation save his mere arrest, we reverse the denial of PCR, and render judgment to vacate and set aside the order revoking his post-release supervision.

BACKGROUND

¶3. In 2017, Carl Hoskins was indicted for aggravated assault. He subsequently signed

a guilty plea petition where he admitted that he "Did beat and stab my girlfriend with a knife." The trial court accepted his plea of guilty and sentenced him to 10 years in custody. The sentence was 1 year "to serve incarcerated followed by nine (9) years Post Release Supervision, five (5) of which shall be supervised."

¶4. Five years later, law enforcement swore out an affidavit that Hoskins had violated his PRS terms. It stated that "On December 3, 2022, the defendant was arrested by the Magee Police Dep[artment] and charged with the new felony crimes of Aggravated Assault with a Deadly Weapon, Burglary of a Occupied Dwelling / Home Invasion, and Shooting Into A Motor Vehicle." A subsequent petition to revoke probation and impose a suspended sentence, filed by the State, only recited that general allegation.

¶5. The State called one witness during the revocation hearing, probation officer George Keys. Beyond basic background material, he was asked only two questions:

> [State]: What is the nature of the petition you filed with the Court?
>
> [Keys]: [That] the Defendant shall hereafter commit no offense against the laws of this state or any other state or of the United States of America. On December the 3rd, 2022, the Defendant was arrested by the Magee Police Department and charged with the new felony crimes of aggravated assault with a deadly weapon, burglary of an occupied dwelling/home invasion and shooting into a motor vehicle.
>
> [State]: And, Agent Keys, can you tell the Court whether or not Mr. Hoskins was made aware by the Mississippi Department of Corrections of the terms and conditions that applied to him?
>
> [Keys]: Yes.

¶6. After that, the State tendered the witness. Hoskins cross-examined the witness, and

asked "You said that I caught a charge, a felony charge and everything[.]" But Hoskins protested there was nothing else save his arrest, and argued there was no proof. The witness did not respond, and there was no redirect from the State. Hoskins told the trial court that he "didn't commit a crime[.]"

¶7. The trial court ruled from the bench that "the Court finds that you have violated the terms of your probation in that you have been charged with new felony charges." And in its subsequent filed order of revocation, the trial court repeated the general allegations against Hoskins, finding only "that the defendant was guilty of violating the terms and conditions of his probation" because he "was arrested by the Magee Police Dept. and charged with the new felony crimes of Aggravated Assault with a Deadly Weapon, Burglary of an Occupied Dwelling/Home Invasion, and Shooting into a Motor Vehicle."

¶8. Hoskins later sought post-conviction relief. His basis was that "all Charges were Dismiss[ed]." The trial court denied relief, finding that "there [was] sufficient evidence to support the Court's Order of Revocation."

¶9. Hoskins appealed, and the matter was deflected to us for review.

STANDARD OF REVIEW

¶10. "When reviewing a [circuit] court's denial or dismissal of a PCR motion, we will only disturb the [circuit] court's decision if it is clearly erroneous; however, we review the [circuit] court's legal conclusions under a de novo standard of review." *Magee v. State*, 340 So. 3d 297, 300 (¶11) (Miss. 2022) (alterations in original) (internal quotation marks omitted) (quoting *Williams v. State*, 228 So. 3d 844, 846 (¶5) (Miss. Ct. App. 2017)); *see also*

Robertson v. State, No. 2025-CP-00806-COA, 2026 WL 2320146, at *3 n.1 (Miss. Ct. App. Aug. 11, 2026) ("We conduct a de novo review of the sufficiency of the evidence to support a revocation").

DISCUSSION

¶11. On appeal, Hoskins raises four assignments of error. Because one is dispositive, we address only his second argument, that "the lower court had no authority to revoke[] the petitioner's probation and impose his suspended sentence upon the allegation of a potential crime[.]"

¶12. It has been long established that "[t]he mere arrest of a probationer is not a violation of probation." *Brown v. State*, 864 So. 2d 1058, 1060 (¶9) (Miss. Ct. App. 2004). Our Supreme Court established this concept years before in holding that "before the accused's parole may be revoked, the State must offer *actual proof* that he committed an act violating the terms and conditions of his parole, and the mere fact that he was arrested and charged with [a crime] may hardly suffice." *Moore v. Ruth*, 556 So. 2d 1059, 1062 (Miss. 1990) (emphasis added).

¶13. The Rules of Criminal Procedure now set the burden to be met by the State. Before revocation is granted, "[t]he judge must find by a preponderance of the evidence that a violation of the conditions of probation or the instructions occurred." MRCrP 27.3(f)(1).

¶14. In *Brown*, "[t]he trial judge ruled that 'It is undisputed that Brown was arrested while he was on probation, and that such arrest violated one of the terms of his probation.'" *Brown*, 864 So. 2d at 1059 (¶5). The defendant was revoked on that basis. *Id*. However, "This

statement serves as the sole foundation for the revocation of Brown's probation." *Id*. at 1060 (¶9).

¶15. We pointed out that "[w]here the State seeks to revoke one's probation based upon an allegation of criminal activity, it must show proof of an actual conviction, or that a crime has been committed and that it is more likely than not that the probationer committed the offense." *Id*. "Even a cursory reading of the trial court's order shows that standard was not met." *Id*. Accordingly, we reversed. *Id*. at (¶10).

¶16. We likewise reversed a revocation when the defendant "provided the only testimony at his revocation hearing," and "[n]o further evidence or details concerning the arrests were provided." *Lewis v. State*, 291 So. 3d 398, 400 (¶7) (Miss. Ct. App. 2020). Furthermore, "[t]he circuit court did not conduct any evidentiary inquiries of [the defendant] or anyone else." *Id*. at (¶9). "There was no finding, or even an attempted finding, that it was more likely than not that [the defendant] committed any of the three offenses referenced in the trial court proceedings." *Id*. at 401 (¶9). Applying *Brown*, we found this was not sufficient proof to warrant revocation. *Id*.

¶17. Like the defendant in *Brown*, it is not contested that Hoskins was arrested while on probation. And just as in that case, the hearing and the resulting order show that the State presented absolutely no evidence that Hoskins "more likely than not" committed the crimes of which he was charged. The State only called one witness, who merely read off the charges for which the defendant was arrested.

¶18. While the affidavit described how Hoskins had been arrested for aggravated assault

with a deadly weapon, during the revocation there was no proof of whom he allegedly assaulted, their identity, the circumstances, or with what type of deadly weapon. Likewise, while the defendant had been arrested for burglary of an occupied dwelling, during the revocation there was no proof of where or what the dwelling was or who occupied it. While Hoskins was charged with shooting into a motor vehicle, there was no proof of how he shot or what he shot with or what kind of vehicle he shot into. Not even this basic information was brought out during the revocation, and absent an admission from Hoskins that he had committed crimes, the proof cannot support the trial court's finding that he violated the terms of his suspended sentence. *See* MRCrP 27.3(e) (setting out how a probationer may admit a violation if certain conditions are met).

¶19. Furthermore, the Rules of Criminal Procedure require a trial court to make a record when granting revocation: "The judge *shall* make a written statement or state for the record the evidence relied upon, and the reasons for, revoking probation." MRCrP 27.3(h) (emphasis added). In this case, the trial court entered an order reciting only that Hoskins had been arrested, and for what. The precedent above sets out that an arrest, standing alone, does not constitute sufficient evidence to hurdle the relatively modest standard of proof.

¶20. We find that the only proof presented by the State to support the revocation was that Hoskins had been arrested. Mere proof of an arrest, without more, does not meet the State's burden of proof to establish grounds for a revocation.[1] Accordingly, we reverse and render.

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[1] While he should not have been revoked given the lack of proof presented during the hearing, we reject Hoskins' contention that his PCR should have been granted because "all charges were dismissed." The fact that an indictment is later nolle prossed or the charges not sustained by a jury does not mean the State's *initial* burden of proof in a revocation

CONCLUSION

¶21. It is well established that the mere arrest of a person on supervised release or probation is not enough to warrant revocation. The State bears the burden to prove by a preponderance of evidence why revocation is proper. In this case, the State failed to present any proof beyond the mere arrest of a defendant on post-release supervision. Absent any further proof, the revocation should not have been granted. Accordingly, the trial court erred in denying PCR. We reverse and render post-conviction relief in favor of Hoskins and vacate the order revoking post-release supervision and imposing the remainder of the suspended sentence.

¶22. **REVERSED AND RENDERED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS, McDONALD, LAWRENCE, EMFINGER, WEDDLE AND LASSITTER ST. PÉ, JJ., CONCUR.

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proceeding was not met *at the time of the hearing*. "The standard for revocation is not the high one required for conviction, but whether a preponderance of the evidence shows there was a violation at the time of the revocation." *Williams v. State*, 298 So. 3d 416, 419 (¶16) (Miss. Ct. App. 2020) (affirming revocation even after charges were later dismissed via *nolle prosequi*).