

ARKANSAS COURT OF APPEALSDIVISION III
No. CR-13-1010

JERMAINE D. HICKS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 2, 2015APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2012-332]HONORABLE JOHN N.
FOGLEMAN, JUDGE

AFFIRMED; MOTION GRANTED

RITA W. GRUBER, Judge

On April 30, 2012, appellant Jermaine D. Hicks entered a plea of guilty to residential burglary and theft for which the court sentenced him to concurrent sentences of seventy-two months' probation on each count. The State filed an amended petition to revoke appellant's probation on April 4, 2013, alleging that he violated the conditions thereof by failing to pay fines, costs, and fees; failing to report to probation; failing to pay probation fees; failing to notify sheriff and probation of current address and employment; fleeing from police; possessing oxycodone with intent to deliver; committing additional crimes; and associating with others violating criminal laws. After a hearing, the trial court found that appellant had violated the conditions of his probation by failing to report to his probation officer as directed and committing the additional crimes of residential burglary, theft, and possessing a firearm.

Pursuant to Arkansas Supreme Court Rule 4-3(k) and *Anders v. California*, 386 U.S.

Cite as 2015 Ark. App. 435

738 (1967), appellant's counsel has filed a motion to withdraw, stating that there is no merit to an appeal. The motion is accompanied by an abstract and addendum of the proceedings below and a brief in which counsel explains why there is nothing in the record that would support an appeal. The clerk of this court served appellant with a copy of counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant has filed no such statement.

From our review of the record and the brief presented to us, we find compliance with Rule 4-3(k) and that the appeal is without merit.¹ Accordingly, counsel's motion to withdraw is granted, and the revocation order is affirmed.

Affirmed; motion granted.

ABRAMSON and HOOFFMAN, JJ., agree.

Steven R. Smith, for appellant.

No response.

¹We note that counsel has not included a copy of a DVD that was introduced into evidence at the revocation hearing and reviewed by the court. The DVD contained appellant's confession to the additional crimes. Because the State must prove only one violation of the conditions of probation to support revocation and the other violation found by the court—that appellant failed to report to probation—is supported by evidence in the record and does not present a meritorious basis for appeal, the DVD is not necessary for us to decide this case. As a general rule, however, we recommend that counsel include in the addendum all material parts of the record, including DVDs, on which the trial court relied in deciding the case. Ark. Sup. Ct. R. 4-2(a)(8) & 4-3(k)(1) (2014).