

ARKANSAS COURT OF APPEALSDIVISION IV
No. CR-14-771

JEFFERY DALE HARDY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

OPINION DELIVERED JUNE 17, 2015APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2009-1000]HONORABLE RANDY F.
PHILHOURS, JUDGEAFFIRMED; MOTION TO
WITHDRAW GRANTED**ROBERT J. GLADWIN, Chief Judge**

Jeffery Hardy pleaded guilty to a charge of possession of a controlled substance, marijuana, a Class C felony, and was sentenced to two years of probation on March 22, 2010. The State filed a petition to revoke appellant's probation on March 9, 2012, and his probation was subsequently revoked after the circuit court found that he had violated the conditions of his probation by failing to pay fines, costs, and fees as directed.¹ On appeal, Hardy's counsel argues that there are no meritorious grounds for appeal and asks to withdraw as counsel. The clerk of this court mailed a certified copy of counsel's motion and brief to Hardy in accordance with Rule 4-3(k)(2) (2014) of the Arkansas Rules of the Supreme Court, informing him of his right to file pro se points for reversal. Hardy has not filed any

¹The sentencing order was filed on May 28, 2014, after the hearing on the State's petition was rescheduled multiple times for reasons unexplained in the record.

pro se points. Because counsel has complied with the requirements of Rule 4-3(k), we grant the motion to withdraw and affirm.

The test for filing a no-merit brief is not whether there is any reversible error, but whether an appeal would be wholly frivolous. *Gaines v. State*, 2014 Ark. App. 651. Based on our review of the record for potential error pursuant to *Anders v. California*, 386 U.S. 738 (1967), and the requirements of Rule 4-3(k), we hold that Hardy's appeal is wholly without merit. Therefore, pursuant to sections (a) and (b) of *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985), we issue this memorandum opinion granting counsel's motion to withdraw and affirming the circuit court's revocation.

Affirmed; motion to withdraw granted.

VIRDEN and BROWN, JJ., agree.

Shaun Hair, Deputy Public Defender, for appellant.

No response.