

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-15-151

TERRY LEE MCCOY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 9, 2015

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. CR-2012-650]

HONORABLE BERLIN C. JONES,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

M. MICHAEL KINARD, Judge

Appellant Terry Lee McCoy appeals from the revocation of his probation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k), appellant's counsel has filed a no-merit brief and a motion to withdraw as counsel, asserting that there is no nonfrivolous argument to be made in support of an appeal. Appellant has filed pro se points for reversal, and the State has filed a responsive brief.

The trial court found that appellant had violated his probation by testing positive for alcohol, failing to report, failing to pay his financial obligations, and failing to perform community service. Counsel adequately explains why there is no merit to an appeal of the revocation decision. Counsel's brief also lists all other objections and motions decided adversely to appellant and explains why each adverse ruling is not a meritorious ground for reversal.

SLIP OPINION

Cite as 2015 Ark. App. 453

Appellant's arguments in his pro se statement of points for reversal either state no legal ground for reversal or, in the case of his ineffective-assistance-of-counsel claims, are not preserved for appeal. *See Nichols v. State*, 69 Ark. App. 212, 11 S.W.3d 19 (2000) (In order for a defendant to argue ineffective assistance of counsel on direct appeal, he must first have presented the claim to the lower court either during the trial or in a motion for new trial.).

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. Accordingly, counsel's motion to withdraw is granted, and the revocation order is affirmed.

Affirmed; motion to withdraw granted.

HARRISON and GLOVER, JJ., agree.

Potts Law Office, by: *Gary W. Potts*, for appellant.

Leslie Rutledge, Att'y Gen., by: *Ashley Argo Priest*, Ass't Att'y Gen., for appellee.