

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-15-954

JAMES JETER MYERS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

OPINION DELIVERED JUNE 22, 2016

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2013-715]

HONORABLE RALPH WILSON, JR.,
JUDGE

AFFIRMED; MOTION GRANTED

ROBERT J. GLADWIN, Chief Judge

James Jeter Myers appeals from an order of the Crittenden County Circuit Court revoking his probation on his conviction for residential burglary, a Class “B” felony, and sentencing him to seven years in the Arkansas Department of Correction, followed by sixty months’ suspended imposition of sentence under the normal terms and conditions of suspension. The circuit court added the conditions that he pay the previously imposed fines and costs at the rate of \$50.00 per month and that he register under the Arkansas Sex Offender Registration Act. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2015), Myers’s attorney has filed a no-merit brief and a motion to withdraw, addressing all of the adverse rulings made at the revocation hearing, explaining why each adverse ruling is not a meritorious ground for reversal, and requesting to be relieved as counsel. Myers was provided a copy of his counsel’s brief and motion, and although he was given the opportunity to file pro se points of reversal, he has

not done so. See Ark. S. Ct. R. 4-3(k)(2). Accordingly, the State notified this court of its intention not to file a responsive brief.

In furtherance of the goal of protecting constitutional rights, it is both the duty of counsel and of this court to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001). The test for filing a no-merit brief is not whether there is any reversible error, but rather whether an appeal would be wholly frivolous. *Gaines v. State*, 2014 Ark. App. 651; *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994). We have reviewed the entire record and counsel's brief and conclude that Myers's counsel has adequately explained why there is no meritorious issue on appeal. After a full examination under the proper standards, we hold that counsel provided a compliant "no-merit" brief demonstrating that an appeal would be wholly without merit, and further, that counsel's motion to be relieved should be granted.

Affirmed; motion granted.

HOOFFMAN and BROWN, JJ., agree.

S. Butler Bernard, Jr., for appellant.

No response.