

Cite as 2018 Ark. App. 31

ARKANSAS COURT OF APPEALS

DIVISION III

No. CR-17-133

MARVIN JOE STARKS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 24, 2018

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. 72CR-16-499]

HONORABLE MARK LINDSAY,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

Marvin Joe Starks appeals a Washington County Circuit Court order revoking his probation and sentencing him to four years in the Arkansas Department of Correction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2017), Starks's counsel has filed a motion to be relieved as his attorney, alleging that this appeal is without merit. Counsel also filed an accompanying no-merit brief containing an abstract and addendum of the proceedings below. In the brief, counsel includes all adverse decisions affecting Starks and explains in the argument portion of his brief why there is nothing in the record that would arguably support an appeal. The clerk mailed a certified copy of counsel's motion and brief to Starks, informing him of his right to file pro se points for reversal, and he has done so.

The test for filing a no-merit brief is not whether there is any reversible error but whether an appeal would be wholly frivolous. *See Wright v. State*, 2015 Ark. App. 300, at 1–2; *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994). We have thoroughly reviewed the entire record and the brief presented to us, including consideration of appellant’s pro se points for reversal, which are either not preserved for appeal or do not otherwise support reversal. From our review, we find compliance with Rule 4-3(k) and that there is no merit to an appeal.

Affirmed; motion to withdraw granted.

VAUGHT and HIXSON, JJ., agree.

Eric Moore, for appellant.

Leslie Rutledge, Att’y Gen., by: *Brad Newman*, Ass’t Att’y Gen., for appellee.