

Cite as 2018 Ark. App. 205

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-17-354

RODDRICK LARNELL SMITH
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered March 14, 2018

APPEAL FROM THE COLUMBIA
COUNTY CIRCUIT COURT
[NO. 14CR-15-201]

HONORABLE DAVID W. TALLEY,
JR., JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

Roddrick Larnell Smith¹ appeals a Columbia County Circuit Court order revoking his probation and sentencing him to five years in the Arkansas Department of Correction plus five years' suspended imposition of sentence. Smith's attorney had previously filed a no-merit brief and a motion to withdraw as counsel pursuant to Arkansas Supreme Court Rule 4-3(k) (2017) and *Anders v. California*, 386 U.S. 738 (1967). We previously ordered rebriefing due to briefing deficiencies. *See Smith v. State*, 2017 Ark. App. 577. Counsel has again filed a motion to withdraw and a no-merit brief, correcting those deficiencies and asserting that this appeal is wholly without merit. The motion is accompanied by an abstract and addendum of the proceedings below, alleged to include all objections and motions decided adversely to

¹We note that in other places in the record Mr. Smith's first name is spelled "Rodrick."

appellant, and a brief in which counsel explains why there is nothing in the record that would support an appeal. The clerk of this court informed Smith of his right to file pro se points for reversal; however, he has not done so. Consequently, the attorney general has not filed a brief in response.

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). Counsel has abstracted and briefed all adverse rulings, including the sufficiency of the evidence to support the revocation and the denial of his request for probation at sentencing. We have also thoroughly reviewed the entire record and the brief presented to us. From our review, we find compliance with Rule 4-3(k) and that there is no merit to an appeal. We therefore grant counsel’s motion to withdraw and affirm the convictions.

Affirmed; motion to withdraw granted.

GRUBER, C.J., and HIXSON, J., agree.

The Burns Law Firm, PLLC, by: *Meagan Burns*, for appellant.

One brief only.