

Cite as 2010 Ark. App. 387

ARKANSAS COURT OF APPEALSDIVISION I
No. CACR09-819

DERRYL SEAY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered MAY 5, 2010APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[CR-2005-1024B]HONORABLE JOHN N.
FOGLEMAN, JUDGE

AFFIRMED; MOTION GRANTED

RITA W. GRUBER, Judge

This case comes before us for a second time. In *Seay v. State*, 2010 Ark. App. 36, we ordered counsel to cure deficiencies in her original no-merit brief. We noted that counsel, by failing to address the sufficiency of the evidence to revoke Derryl Seay's probation, did not fulfill Ark. Sup. Ct. R. 4-3(k)(1)'s requirement to list in a no-merit brief all rulings adverse to defendant and explain why each was not a meritorious ground for reversal. We also noted that counsel failed to comply with Rule 4-2(a)(8) because the addendum lacked a copy of the conditions of probation.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and in compliance with our order for rebriefing, counsel for Derryl Seay brings the present no-merit appeal and asks to be relieved as counsel in the case. Seay has not filed points for reversal despite being notified by the clerk of this court that he had thirty days to do so, nor has the State filed a brief.

Cite as 2010 Ark. App. 387

The addendum of the present brief has a copy of the conditions of probation, which include the requirement that Seay report to his probation officer as directed. Counsel's argument recites both the probation officer's testimony that Seay did not report as directed between June 7, 2006, and May 2, 2008, and Seay's testimony that he failed to report after June 2006 and throughout 2007. Counsel concludes that this evidence constituted sufficient evidence to support the trial court's ruling that Seay had inexcusably violated the terms and conditions of his probation by not reporting to his probation officer as directed.

In order to sustain a revocation, the State need show only one violation of probation. *Phillips v. State*, 101 Ark. App. 190, 272 S.W.3d 123 (2008). From our review of the record and the substituted brief presented to us, we find compliance with Rule 4-3(k)(1), and we hold that there is no merit to this appeal. Accordingly, counsel's motion to withdraw is granted and the conviction is affirmed.

Conviction affirmed; motion granted.

VAUGHT, C.J., and GLOVER, J., agree.