

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-12-1133

CARLTON HOBBS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 9, 2013

APPEAL FROM THE ARKANSAS
COUNTY CIRCUIT COURT,
SOUTHERN DISTRICT
[NO. CR-2009-67]

HONORABLE DAVID G. HENRY,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

BRANDON J. HARRISON, Judge

Carlton Hobbs was found guilty by a jury of one count of second-degree battery, for which he received a sentence of six years' imprisonment. Hobbs's attorney has filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(k) (2012), along with a motion to be relieved as counsel, asserting that there is no issue of arguable merit for an appeal. Hobbs was notified, by certified mail, of his right to file pro se points for reversal but has not done so. The State has not filed a brief.

The test for filing a no-merit brief is not whether there is any reversible error, but rather would an appeal be wholly frivolous. *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994). Based on our review of the record for potential error pursuant to *Anders* and the requirements of Rule 4-3(k), we hold that Hobbs's appeal is wholly without merit. Therefore, pursuant to sections (a) and (b) of *In re Memorandum Opinions*, 16 Ark. App. 301,

700 S.W.2d 63 (1985), we issue this memorandum opinion granting counsel's motion to be relieved and affirming the court's judgment.

Affirmed; motion to withdraw granted.

WYNNE and BROWN, JJ., agree.

Brett D. Watson, Attorney at Law, PLLC, by: *Brett D. Watson*, for appellant.

No response.