

ARKANSAS COURT OF APPEALS

DIVISION I

No. CACR11-151

SHAHEID DeSHAN WILSON
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 11, 2012

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR2010-342]

HONORABLE RALPH WILSON, JR.,
JUDGE

AFFIRMED; MOTION GRANTED

RITA W. GRUBER, Judge

Appellant Shaheid DeShan Wilson was convicted by a jury of rape and was sentenced to twenty-five years' imprisonment. His counsel has filed a motion to withdraw and a no-merit appeal pursuant to Arkansas Supreme Court Rule 4-3(k)(1) (2011) and *Anders v. California*, 386 U.S. 738 (1967). The motion is accompanied by a brief including both a discussion of matters in the record that might arguably support an appeal and a statement as to why counsel considers the points to be incapable of supporting a meritorious appeal. Wilson has filed pro se points for reversal, and the State has filed a brief responding to Wilson's points.

Counsel has unnecessarily included in his brief several objections that did not result in



rulings adverse to appellant.¹ *See* Ark. Sup. Ct. R. 4-3(k)(1) (2011). Counsel has properly listed three rulings by the circuit court that were arguably adverse to appellant: the court denied the motions for a directed verdict, sustained the State’s relevancy objection when defense counsel asked the victim if she had contacted police, and overruled an objection by the defense to the State’s impeaching its own witness. Counsel’s brief both discusses these matters that might arguably support an appeal and states why counsel considers the points to be incapable of supporting a meritorious appeal.

Appellant argues that the victim consented, that appellant should have been tried as a juvenile, and that he was illegally sentenced as an adult. The circuit court properly ruled that consent is not a defense to a prosecution under the pertinent statutory section. *See* Ark. Code Ann. § 5-14-103 (Supp. 2009). Wilson was charged as an adult, although he was seventeen years of age when he committed felony rape. The prosecutor was allowed to charge him in either the juvenile or criminal division of circuit court. *See* Ark. Code Ann. § 9-27-318(c) (Repl. 2009). Wilson did not avail himself of the opportunity to file a motion for transfer as was allowed by Arkansas Code Annotated section 9-27-318(e) (Repl. 2009), and he therefore cannot now complain of being tried and sentenced in the criminal division of circuit court. None of appellant’s arguments merit reversal of his conviction.

From our review of the record and from counsel’s brief, we hold that the requirements of Arkansas Supreme Court Rule 4-3(k)(1) (2011) and *Anders v. California*, 386 U.S. 738

¹When objections by the defense were sustained by the court or were never ruled upon, the rulings were not “arguably adverse” to appellant.



Cite as 2012 Ark. App. 40

(1967), have been met and that the appeal has no merit. We grant counsel's motion to withdraw and affirm the conviction.

Affirmed; motion to withdraw granted.

GLOVER and HOOFFMAN, JJ., agree.

S. Butler Bernard, Jr., for appellant.

Dustin McDaniel, Att'y Gen., by: *Ashley Argo Priest*, Ass't Att'y Gen., for appellee.