

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CACR12-616

DAVID GONZALES

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** January 23, 2013

APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT,  
NO. CR-2006-705

HONORABLE RALPH WILSON, JR.,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**WAYMOND M. BROWN, Judge**

Appellant appeals from the circuit court's imposition of a thirty-six-month sentence for violating terms and conditions of his previously imposed suspended imposition of sentence. Appellant's counsel has filed a no-merit brief and motion to withdraw, pursuant to *Anders v. California*,<sup>1</sup> and Arkansas Supreme Court Rule 4-3(k)(1),<sup>2</sup> stating that there are no meritorious grounds to support an appeal. The clerk mailed a certified copy of counsel's motion and brief to appellant, informing him of his right to file pro se points for reversal. Appellant failed to file pro se points for reversal. We affirm the court's imposition of a thirty-six-month sentence and grant counsel's motion to withdraw.

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<sup>1</sup>386 U.S. 738 (1967).

<sup>2</sup>(2011).



Appellant was charged with sale or delivery of a controlled substance, a Class C felony, to which he pled guilty on July 24, 2006. He was sentenced to seventy-two months' probation plus court costs and fees. Having had his probation revoked twice before, appellant pled guilty, on April 3, 2009, to violating terms of his probation. He was sentenced to eighty-four months in the Arkansas Department of Correction (ADC) followed by thirty-six months' suspended imposition of sentence (S.I.S.) and assessed \$645 in court costs. Appellant was released from the ADC on parole on March 5, 2010.

On December 28, 2011, the State filed a Petition for Revocation of Suspension on the grounds of (1) failure to pay fines, restitution, costs, and fees as directed; (2) failure to notify sheriff of current address and employment; and (3) being charged with domestic battering in the third degree. A revocation hearing was held on April 24, 2012. Appellant was found guilty of violating terms of his suspension. The court revoked his S.I.S., finding that he inexcusably failed to comply with condition number one requiring him to pay all fines, costs, and restitution and that he inexcusably failed to comply with condition number two requiring him to live a law-abiding life, be on good behavior, and not violate any state, federal, or municipal law. He was sentenced to thirty-six months in the ADC. It is from this sentence that appellant appeals.

In compliance with *Anders* and Rule 4-3(k)(1), counsel ordered the entire record and found that after a conscientious review of the record, there are no issues of arguable merit for appeal. Counsel's brief adequately covered each action that was adverse to appellant below. After carefully examining the record and the brief presented to us, we believe counsel has



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complied with the requirements established by the Arkansas Supreme Court for no-merit appeals in revocation cases and conclude that the appeal is wholly without merit. Accordingly, we affirm the sentence imposed on appellant and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

HIXSON and WOOD, JJ., agree.

*C. Brian Williams*, for appellant.

No response.