

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CR-13-242

ANDREW DESHAZER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 6, 2013

APPEAL FROM THE DREW  
COUNTY CIRCUIT COURT  
[NO. CV-2007-139-1]

HONORABLE SAMUEL B. POPE,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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## ROBERT J. GLADWIN, Chief Judge

Appellant, Andrew Deshazer, pled guilty to the offense of theft of property. He was sentenced to sixty months' probation on February 25, 2008. On June 21, 2011, the State filed a petition to revoke appellant's probationary sentence alleging that he had violated the terms and conditions of his probation by failing to report and in not fully paying his fees and restitution. Appellant's probationary sentence was not revoked at that time, but he was ordered by the circuit court to make regular monthly payments on his outstanding balance.

A second petition to revoke was filed by the State on July 18, 2012, alleging that appellant violated the terms and conditions of his probation by using controlled substances, failing to submit to drug testing, failing to report, and failing to make court-ordered payments on the restitution balance. A hearing on that petition was held on November 26, 2012, after which appellant was found guilty of violating the terms and conditions of his

probation by using controlled substances, failing to report to his probation officer, and failing to make court-ordered payments on the restitution balance, particularly between January and August of 2012. The circuit court revoked his probation and sentenced him to twelve months in the regional punishment facility pursuant to a December 7, 2012 sentencing order. He filed a timely notice of appeal on January 4, 2013.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2012), appellant's counsel has filed a motion to be relieved, stating that there is no merit to the appeal. The motion is accompanied by an abstract and addendum of the proceedings below, including all objections and motions decided adversely to 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 served appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant has filed no such statement.

From our review of the record and the briefs presented to us, we find compliance with Rule 4-3(k) and that the appeal is without merit. Accordingly, counsel's motion to withdraw is granted, and the revocation is affirmed.

Affirmed; motion to withdraw granted.

PITTMAN and WOOD, JJ., agree.

*Potts Law Office*, by: Gary W. Potts, for appellant.

No reponse.