

**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CR-13-605

TYRONE DAVIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 15, 2014

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
FIRST DIVISION  
[NO60CR-11-4451]

HONORABLE JAMES LEON  
JOHNSON, JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**WAYMOND M. BROWN, Judge**

Appellant appeals from his conviction on two counts of sexual assault in the second degree. 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 appellant’s conviction and grant counsel’s motion to withdraw.

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<sup>1</sup>386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

<sup>2</sup>(2011). This court notes that counsel erroneously cited to Arkansas Supreme Court Rule 4-3(j) and non-existent Arkansas Supreme Court Rule 4-3(j)(1).

On May 21, 2012, an amended felony information was filed charging appellant with two counts of sexual assault in the second degree.<sup>3</sup> A pretrial hearing was held on March 13, 2013, during which A.D. was found competent to testify. A jury trial was held March 13 and 14, 2013. On March 14, 2013, the jury found appellant guilty of two counts of sexual assault in the second degree. The sentencing phase was conducted the same day and the circuit court sentenced appellant to five years' imprisonment on each count. The circuit court ordered the sentences to run concurrent and gave appellant jail credit for one day.<sup>4</sup> This timely appeal followed.<sup>5</sup>

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 were 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 complied with the requirements established by the Arkansas Supreme Court for no-merit appeals and conclude that the appeal is wholly without merit. Accordingly, we affirm appellant's conviction and grant counsel's motion to be relieved.

Affirmed; motion to withdraw granted.

WYNNE and HIXSON, JJ., agree.

*John Wesley Hall*, for appellant.

No response.

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<sup>3</sup>The initial felony information was amended to add the second count of sexual assault in the second degree.

<sup>4</sup>This was reflected on a sentencing order entered in the matter on April 2, 2013.

<sup>5</sup>The notice of appeal was filed on April 23, 2012.