

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-13-1119

ADAM DOUGLAS ROE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered December 17, 2014

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2011-641]

HONORABLE DAVID GOODSON,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

BRANDON J. HARRISON, Judge

Adam Roe appeals from the revocation of his probation and resulting sentence of three years' imprisonment. Roe'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)(1) (2013), along with a motion to withdraw as counsel, asserting that there is no issue of arguable merit for an appeal. The clerk of our court mailed a certified copy of counsel's motion and brief to Roe in accordance with Ark. Sup. Ct. R. 4-3(k)(2), informing him of his right to file pro se points for reversal. Roe has not filed pro se points for reversal, and the State has not filed a brief. We grant the motion to withdraw and affirm.

The test for filing a no-merit brief is not whether there is any reversible error, but whether an appeal would 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 Roe'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 withdraw and affirming the court's revocation.

Affirmed; motion to withdraw granted.

VAUGHT and BROWN, JJ., agree.

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

No response.