

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-14-779

BRANDON LAMONT HOUSE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered April 29, 2015

APPEAL FROM THE CLARK
COUNTY CIRCUIT COURT
[NOS. CR-2010-202; CR-2012-09]

HONORABLE ROBERT E.
MCCALLUM, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

Appellant Brandon House pled guilty in CR-2010-202 to two counts of commercial burglary and one count of felony theft of property and was sentenced to five years' probation in June 2011. Approximately one year later, House pled guilty in CR-2012-09 to two counts of second-degree forgery and received six years' probation. His probation in both cases was revoked in May 2014 after the circuit court found that he had committed several violations of his probation. The court sentenced him to forty years' imprisonment in the Arkansas Department of Correction in CR-2010-202 and ten years' suspended imposition of sentence in CR-2012-09. House timely filed an appeal of his revocations.

On appeal, appellate counsel has filed a motion with this court to be relieved as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2012). The motion is accompanied by an abstract and addendum of the proceedings

below. Counsel has also filed a no-merit brief, asserting that there is nothing in the record that would support an appeal. House has filed pro se statements of points for reversal, and the State has filed a response thereto.

The test for filing a no-merit brief is not whether there is any reversible error but rather would an appeal 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*, we find that there has been compliance with Rule 4-3(k), and after consideration of House's pro se points for reversal,¹ we hold that House's appeal is wholly without merit.

Affirmed; motion to withdraw granted.

VIRDEN and GRUBER, JJ., agree.

Crawford Law Firm, by *Brandon Crawford*, for appellant.

Leslie Rutledge, Att'y Gen., by: *Jake H. Jones*, Ass't Att'y Gen., for appellee.

¹ We note that the majority of House's arguments in his pro se points, including his ineffective-assistance-of-counsel claims, were not raised below or were not otherwise preserved for our review. Issues raised for the first time on appeal, even constitutional issues, will not be considered because the circuit court never had an opportunity to make a ruling. *Johnson v. State*, 2009 Ark. 460 (per curiam) (citing *Green v. State*, 362 Ark. 459, 209 S.W.3d 339 (2005)).