

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-14-971

ARNOLD LEE McCABE, SR.
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered JUNE 17, 2015

APPEAL FROM THE CRAWFORD
COUNTY CIRCUIT COURT
[NO. 17CR-10-440]

HONORABLE GARY RAY
COTTRELL, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

DAVID M. GLOVER, Judge

In 2011, Arnold McCabe pled guilty to the offense of battery in the second degree on an employee of a correctional facility. He was sentenced to two years in the Arkansas Department of Correction, to be followed by an additional four years' suspended imposition of sentence. On February 7, 2014, the State filed a petition to revoke his suspended sentence, alleging that he violated its terms and conditions by committing the offense of second-degree battery on or about January 2, 2014. The revocation hearing was held on May 7, 2014. The primary testimony came from Derek Steward, who was McCabe's friend and the alleged victim of the attack. Following the hearing, the trial court revoked McCabe's suspended sentence and sentenced him to four years in the Arkansas Department of Correction.

McCabe's counsel has filed a motion to withdraw and a brief purporting to comply with the requirements of *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals, contending that an appeal in this case would be wholly without merit. Counsel's abstract and addendum include all of the trial court's rulings that were adverse to McCabe, and counsel also explains why those rulings would not support a meritorious appeal. The clerk of our court provided McCabe with a copy of his counsel's motion and brief and alerted McCabe to his right to file points of appeal, which he did. The State has filed a brief in response to those points and supplemented the addendum, adding the proof of service, the underlying plea agreement, and the conditions for the suspended sentence.

Based on our review of the record and the briefs presented to this court, we conclude that there has been full compliance with *Anders, supra*, and our Rule 4-3(k), and that an appeal in this case would be wholly without merit. Counsel's motion to withdraw is granted, and the revocation of McCabe's suspended sentence and imposition of a four-year sentence is affirmed.

Affirmed; motion to withdraw granted.

HARRISON and KINARD, JJ., agree.

Lisa-Marie Norris, for appellant.

No response.