

ARKANSAS COURT OF APPEALS

DIVISION I

No. CR-16-614

TANNER BAXLEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

OPINION DELIVERED: January 18, 2017

APPEAL FROM THE HOT SPRING
COUNTY CIRCUIT COURT
[NO. 30CR-12-262-1]

HONORABLE CHRIS E WILLIAMS,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

ROBERT J. GLADWIN, Judge

On December 11, 2012, appellant Tanner Baxley was placed on five years' supervised probation for the offense of theft by receiving, a Class C felony. He was ordered to pay \$150 in court costs, a \$1,000 fine, a \$250 DNA fee, and \$951.50 in supervision fees. On February 14, 2014, the State filed a petition to revoke Baxley's probation. On June 24, 2014, an amended report of probation violation was filed alleging that Baxley had violated the following conditions: 1-Laws, 2-Alcohol/Controlled Substances, 6-Reporting, 7-Employment and Residence, 13-Supervision Fees, 14-Restitution and 15-Court Costs, Fines, and DNA. At the hearing on the petition to revoke on April 12, 2016, Baxley admitted to each of the alleged violations. The trial court sentenced appellant to ten years in the Arkansas Department of Correction.

This is a no-merit appeal filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2016). On appeal, Baxley's counsel argues that there are no meritorious grounds for appeal and asks to withdraw as counsel. The clerk of this court mailed a certified copy of counsel's motion and brief to Baxley in accordance with Rule 4-3(k)(2), informing him of his right to file pro se points for reversal. Baxley has not filed pro se points. Because counsel has complied with the requirements of Rule 4-3(k), 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. *Gaines v. State*, 2014 Ark. App. 651. Based on our review of the record for potential error pursuant to *Anders, supra*, and the requirements of Rule 4-3(k), we hold that Baxley'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 circuit court's revocation.

Affirmed; motion to withdraw granted.

HARRISON and VAUGHT, JJ., agree.

Gregory Crain, for appellant.

No response.