

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CACR10-515

JAMAR R. REED

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** January 26, 2011

APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT  
[No. CR-2007-1036]

HONORABLE RALPH WILSON, JR.,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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## LARRY D. VAUGHT, Chief Judge

On February 16, 2010, the Crittenden County Circuit Court revoked the probation of Jamar Reed. His attorney has filed a motion to withdraw as counsel, accompanied by a brief, arguing that an appeal would be frivolous. After reviewing the record, we conclude that an appeal in this case would be wholly without merit. Accordingly, we affirm the revocation and grant counsel's motion to withdraw.

On September 21, 2007, Reed pled guilty to burglary and received an eight-year-probation sentence. In July 2009, the State filed a revocation petition alleging that Reed violated the conditions of his probation. After a hearing, the trial court granted the State's petition finding that Reed did not pay fines, costs, and fees and did not consistently report to his probation officer. Reed was sentenced to sixty months' imprisonment.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k), Reed's counsel filed a motion to withdraw, contending that an appeal was wholly without merit. The clerk of this court attempted to mail Reed a copy of his counsel's brief and motion and attempted to notify him of his right to file a pro se statement of points for reversal. However, Reed is currently on parole and neither the Arkansas Department of Correction nor Reed's parole officer have a current address for Reed. As such, Reed has not filed pro se points, and the State filed no responsive brief.

Reed's counsel argues, and our review of the record confirms, that there was only one ruling adverse to Reed—the revocation of his probation. We agree with Reed's counsel that the trial court did not err in concluding that a preponderance of the evidence supported the revocation. Therefore, we hold that an appeal from the trial court's revocation determination would be wholly without merit. We affirm the trial court's revocation and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

HART and GLOVER, JJ., agree.