

Cite as 2022 Ark. App. 286

ARKANSAS COURT OF APPEALS

DIVISION III

No. CR-22-8

JOHNATHAN HOLBROOK-KNECHT
APPELLANT

Opinion Delivered June 1, 2022

APPEAL FROM THE POPE
COUNTY CIRCUIT COURT
[NO. 58CR-204]

V.

HONORABLE JAMES DUNHAM,
JUDGE

STATE OF ARKANSAS

APPELLEE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

Johnathan Holbrook-Knecht appeals a Pope County Circuit Court order revoking his probation and sentencing him to seven years in the Arkansas Department of Correction followed by five years' suspended imposition of sentence (SIS). Holbrook-Knecht's counsel has filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(b)(1) (2021), contending that there are no issues of arguable merit to raise on appeal. In addition, the clerk of our court notified Holbrook-Knecht of counsel's motion and brief and advised him of his right to file pro se points; however, he did not avail himself of the opportunity.

Holbrook-Knecht pled guilty to one count of internet stalking of a child on September 21, 2020, and was sentenced to seventy-two months' probation. As a term and condition of

his probation, he was required to obey all federal and state laws, local ordinances, and court orders. In June 2021, the State filed a petition to revoke Holbrook-Knecht's probation, alleging that he had failed to comply with the law-abiding-life condition by committing the new criminal offense of failing to comply with Arkansas's sex-offender-reporting requirements.¹

The circuit court held a hearing on the State's petition to revoke. At the hearing, the State introduced without objection a copy of Holbrook-Knecht's original sentencing order and a copy of the terms and conditions of his probation. The State also introduced a copy of Holbrook-Knecht's "Sex Offender Acknowledgment Form," which required Holbrook-Knecht to report "any changes in . . . employment . . . in person to the local law enforcement agency having jurisdiction . . . within five (5) days of the change."

Concerning employment, the court heard testimony that Holbrook-Knecht initially listed disability benefits as his only source of income but subsequently obtained a job with a taxi service on May 17, 2021. Pursuant to the terms of his probation and his acknowledgment form, Holbrook-Knecht was required to report this change of employment status to his probation supervisor or to local law enforcement within five days. By May 25, however, he had not reported. In his own testimony, Holbrook-Knecht admitted that he was a registered sex offender who was subject to the reporting requirements of the Sex Offender

¹A sex offender is required to report a change of employment within five calendar days of that change. Ark. Code Ann. § 12-12-909(b)(1)(D) (Supp. 2021). Under Arkansas Code Annotated section 12-12-904(a)(1)(A)(ii) (Supp. 2021), a person who fails to report in person a change of employment as required under the Act is guilty of a Class C felony.

Registration Act and that he did not timely report his change of employment to law enforcement.

On the basis of this evidence, the circuit court revoked Holbrook-Knecht's probation and sentenced him to eighty-four months in the Arkansas Department of Correction with an additional sixty months' SIS. Holbrook-Knecht filed a timely notice of appeal, and as noted above, his attorney has filed a motion to withdraw and a no-merit brief.

In a no-merit appeal, counsel is required to list all rulings adverse to appellant and to explain why each adverse ruling does not present a meritorious ground for reversal. *Anders, supra*; Ark. Sup. Ct. R. 4-3(b)(1). The test is not whether counsel thinks the circuit court committed no reversible error but whether the points to be raised on appeal would be wholly frivolous. *Livsey v. State*, 2020 Ark. App. 332, 602 S.W.3d 770. Pursuant to *Anders, supra*, we are required to fully examine all the proceedings to determine whether the case is wholly frivolous. *Williams v. State*, 2021 Ark. App. 164.

Counsel's brief adequately addresses the sufficiency of the evidence supporting the revocation of Holbrook-Knecht's probation as well as the only other adverse evidentiary ruling rendered below. We have also thoroughly reviewed the entire record and the brief presented to us. From our review, we find compliance with Rule 4-3(b)(1) and conclude that there is no merit to an appeal. We therefore grant counsel's motion to withdraw and affirm Holbrook-Knecht's conviction.

Affirmed; motion to withdraw granted.

GRUBER and HIXSON, JJ., agree.

Samuel F. Eastman, for appellant.

One brief only.