

Cite as 2023 Ark. App. 488  
**ARKANSAS COURT OF APPEALS**  
DIVISION III  
No. CR-23-68

JARVIS DILLARD

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 1, 2023

APPEAL FROM THE DESHA  
COUNTY CIRCUIT COURT  
[NO. 21ACR-15-14]

HONORABLE ROBERT B. GIBSON III,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**BART F. VIRDEN, Judge**

Appellant Jarvis Dillard appeals from the Desha County Circuit Court’s revocation of his suspended imposition of sentence (SIS) in case No. 21ACR-15-14.<sup>1</sup> Dillard’s counsel has filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(b), along with a motion to withdraw as counsel asserting that there is no issue of arguable merit on appeal. The clerk of this court served Dillard with a copy of his counsel’s brief and notified him of his right to file pro se points for reversal. He has not filed any points. We affirm the revocation decision and grant counsel’s motion to withdraw.

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<sup>1</sup>There is a companion case dealing with the revocation of Dillard’s SIS in case No. 21ACR-14-104. The trial court held one revocation hearing on the State’s petitions in both cases, and Dillard has filed separate appeals. We are today handing down an opinion with respect to the companion case as well. *See Dillard v. State*, 2023 Ark. App. 487.

In February 2016, Dillard pleaded guilty to two counts of commercial burglary and one count of unauthorized use of property to facilitate a crime. Dillard was sentenced to an aggregate term of twenty years' imprisonment followed by an eight-year SIS with respect to the unauthorized-use-of-property conviction.

The companion case, *Dillard v. State*, 2023 Ark. App. 487, handed down today sets forth the same terms and conditions of Dillard's SIS, the same petition to revoke by the State, and the same testimony from the single revocation hearing that was held. Likewise, counsel filed a motion to withdraw and a no-merit brief in the companion case, which contains a discussion of the same sufficiency challenge and the same adverse evidentiary rulings. We will not restate the requirements for a no-merit brief or the discussion from the companion case. *See Dillard*, 2023 Ark. App. 487.

The only difference is that the offense for which Dillard was placed on an SIS in this companion case was the unauthorized-use-of-property conviction. Ark. Code Ann. § 5-74-105(a)(1) (Repl. 2016). It is a Class B felony. Ark. Code Ann. § 5-74-105(a)(2). As a habitual offender with more than one felony conviction but fewer than four, Dillard was subject to serving a term of not less than five years nor more than thirty years. Ark. Code Ann. § 5-4-501(a)(2)(C) (Supp. 2021). Dillard was sentenced to twenty years originally, so he could be sentenced to a term of up to ten years. Here, the trial court sentenced him to ten years' imprisonment, to be served consecutively to the ten-year sentence in case No. 21ACR-14-104. The sentence is within the statutory limits. We agree with counsel that there is no merit to an appeal with regard to Dillard's sentence.

Affirmed; motion to withdraw granted.

GLADWIN and BARRETT, JJ., agree.

*Potts Law Office*, by: Gary W. Potts, for appellant.

One brief only.