SLIP OPINION

Cite as 2013 Ark. App. 451

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-12-670

	Opinion Delivered August 28, 2013
JAMES COLLIER III APPELLANT	APPEAL FROM THE JEFFERSON COUNTY CIRCUIT COURT [No. CR-2011-23-1]
V.	HONORABLE BERLIN C. JONES, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED; MOTION TO WITHDRAW GRANTED

LARRY D. VAUGHT, Judge

Appellant James Collier III was convicted by a Jefferson County jury of aggravated assault on a family or household member and of committing the assault in the presence of a child. He was sentenced to a six-year term of imprisonment for the former conviction and a two-year term of imprisonment for the latter, to be served consecutively. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2012), Collier's counsel filed a motion to be relieved as counsel. The motion is accompanied by an abstract and addendum of the proceedings below, and a brief in which counsel asserts that there is nothing in the record that would support an appeal. Collier has filed a pro se statement of points for reversal, and the State has filed a response to Collier's statement.[1]

[1]This is the second time we have reviewed the case. In *Collier v. State*, 2013 Ark. App. 119, we ordered rebriefing because counsel failed to comply with our rules for no-merit cases. Specifically, in the prior appeal, we noted that counsel abstracted, but failed to discuss, two adverse evidentiary rulings. However, that error has now been corrected, and counsel has again filed a motion to withdraw.

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The test for filing a no-merit brief is not whether there is any reversible error, but rather would an appeal be wholly frivolous. *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994). Based on our review of the record for potential error pursuant to *Anders* and the requirements of Rule 4-3(k), we hold that the appellant'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 be relieved and affirming the court's judgment.

Affirmed; Motion to withdraw granted.

WHITEAKER and HIXSON, JJ., agree.

Cecilia Ashcraft, for appellant.

Dustin McDaniel, Att'y Gen., by: *Jake H. Jones*, Ass't Att'y Gen., for appellee.