

ARKANSAS COURT OF APPEALS, DIVISION II

Willie Alvin Smith v. State of Arkansas

Smith, 2026 Ark. App. 244 (Ark. Ct. App. 2026) · No. CR-25-302 · Decided April 22, 2026

SUMMARY

The Arkansas Court of Appeals denied appellate counsel’s motion to withdraw and ordered rebriefing in Willie Alvin Smith’s no-merit appeal from convictions for two counts of rape. The court held that counsel’s Anders brief failed to address several adverse rulings, including rulings during cross-examination, an evidentiary ruling involving a detective, and the denial of a bond-reduction request. The court directed counsel to file a substituted brief addressing all adverse rulings.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division II
WRITING FOR THE COURT	Bart F. Virden; Gladwin, J.; Thyer, J.
JURISDICTION	Arkansas Court of Appeals, Division II
DECIDED	April 22, 2026
DOCKET	CR-25-302
DISPOSITION	other
PROCEDURAL POSTURE	Smith appealed his convictions for two counts of rape and aggregate sixty-five-year sentence. Appointed appellate counsel filed an Anders no-merit brief and moved to withdraw, but the court determined that the brief failed to address all adverse circuit-court rulings.
PRECEDENTIAL VALUE	published
PARTIES	Willie Alvin Smith v. State of Arkansas

TOPICS

- appellate procedure
- criminal procedure
- writ of certiorari
- mootness

PRACTICE AREAS

- criminal appellate procedure
- Anders no-merit appeals
- criminal procedure
- pretrial release and bond

QUESTIONS PRESENTED

1. Whether appointed appellate counsel's Anders no-merit brief complied with Arkansas Supreme Court Rule 4-3(b) when it failed to address all adverse rulings in the record.
2. Whether the omitted bond-reduction ruling had to be identified and explained in the Anders brief even though it did not provide a meritorious ground for reversal.

HOLDINGS

1. An Anders no-merit brief that fails to identify and explain all adverse circuit-court rulings on objections, motions, and requests does not satisfy Rule 4-3(b), and the appellate court will deny counsel's motion to withdraw and order rebriefing.
2. After an appellant has been convicted and incarcerated, a challenge to pretrial bond is moot; a bond decision must instead be challenged by a timely writ of certiorari, and failure to seek that writ abandons the issue.

KEY QUOTATIONS

"Arkansas Supreme Court Rule 4-3(b)(1) requires that the argument section of a no-merit brief contain "a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests . . . with an explanation as to why each adverse ruling is not a meritorious ground for reversal." (at 6)

"For these reasons, a no-merit brief in a criminal case that fails to address an adverse ruling does not satisfy the requirements of Rule 4-3, and rebriefing will be required." (at 6)

FACTUAL BACKGROUND

Smith was charged with and convicted of two counts of raping his minor niece, receiving consecutive sentences totaling sixty-five years' imprisonment. During trial, the circuit court sustained objections during defense counsel's cross-examination of the victim and limited questioning of Detective Brian Branstetter concerning the victim's prior statement. The circuit court also denied Smith's request to reduce his \$500,000 bond. Appointed appellate counsel discussed some adverse rulings but omitted those three categories of rulings from the Anders brief.

PROCEDURAL HISTORY

A Garland County jury convicted Smith of two counts of rape and imposed consecutive sentences of thirty-five and thirty years. Trial counsel filed a notice of appeal and withdrew; appointed appellate counsel filed an Anders no-merit brief and motion to withdraw, and Smith filed pro se points for reversal. The Arkansas Court of Appeals denied the motion to withdraw and ordered appellate counsel to file a substituted brief addressing all adverse rulings, after which Smith and, if appropriate, the State may file further briefs.

DISPOSITION

other

REMAND INSTRUCTIONS

Appellate counsel must file a substituted brief within fifteen days addressing all adverse rulings in the record. The clerk must then forward the new motion and brief to Smith, who has thirty days to file pro se points for reversal; the State may file a responsive brief if timely pro se points are filed.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Holliman v. State, 2023 Ark. App. 349
- Strong v. State, 2025 Ark. App. 352, 717 S.W.3d 168
- Lee v. State, 2025 Ark. App. 516
- Sartin v. State, 2010 Ark. 16, 362 S.W.3d 877
- Todd v. State, 2025 Ark. App. 383