

COURT OF APPEALS OF ARKANSAS, DIVISION IV

Aaron Barr v. State of Arkansas

2026 Ark. App. 344 · No. CR-25-665 · Decided May 20, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the revocation of Aaron Barr's probation and his eighteen-month sentence of incarceration. The court held that Barr's guilty plea to third-degree domestic battery provided sufficient evidence that he violated the law-abiding condition of probation, and it concluded that his sentencing and ineffective-assistance claims presented no meritorious grounds for reversal. The court also granted counsel's motion to withdraw under the Anders procedure.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division IV
WRITING FOR THE COURT	Mike Murphy; Abramson; Brown
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	May 20, 2026
DOCKET	CR-25-665
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order revoking probation and imposing eighteen months' incarceration; counsel filed an Anders no-merit brief and motion to withdraw.
STANDARD OF REVIEW	The State must prove a probation violation by a preponderance of the evidence. The appellate court will not reverse the circuit court's revocation findings unless they are clearly against the preponderance of the evidence. Questions of credibility and the weight of evidence are left to the circuit court.
PRECEDENTIAL VALUE	Published
PARTIES	Aaron Barr v. State of Arkansas

TOPICS

- probation
- sentencing
- appellate procedure
- criminal procedure
- ineffective assistance

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support revocation of Barr's probation.
2. Whether the circuit court erred by imposing eighteen months' incarceration instead of granting extended probation.
3. Whether Barr's ineffective-assistance-of-counsel allegation presented a meritorious issue on direct appeal.
4. Whether counsel satisfied the requirements for an Anders no-merit appeal and withdrawal.

HOLDINGS

1. Evidence that Barr pleaded guilty to third-degree domestic battery while on probation was sufficient to establish by a preponderance of the evidence that he violated the probation condition requiring him to obey the law.
2. The circuit court did not err by sentencing Barr to eighteen months' incarceration rather than granting extended probation because the sentence complied with the applicable statutory maximum.
3. Barr's undeveloped claim that counsel failed to communicate adequately did not present a meritorious issue for reversal because he did not demonstrate prejudice.
4. Counsel satisfied Arkansas Supreme Court Rule 4-3(b)(1) by addressing the adverse rulings that could support an appeal, and the motion to withdraw was properly granted.

KEY QUOTATIONS

“Given that while on probation Barr pleaded guilty to domestic battery, there could be no issue of arguable merit to raise on appeal concerning the sufficiency of the evidence to revoke.” (3)

“Without some demonstration of prejudice, the ineffective-assistance-of-counsel argument fails.” (4)

FACTUAL BACKGROUND

Barr pleaded guilty to first-degree terroristic threatening in 2018 and received probation. After his probation was previously revoked and reinstated, the State alleged that he violated probation by failing to pay fines and costs, being arrested for disorderly conduct and domestic battery, and testing positive for drugs or alcohol. At the revocation hearing, the State introduced without objection a docket sheet showing that Barr had pleaded guilty to third-degree domestic battery while on probation. The circuit court revoked probation and imposed eighteen months' incarceration.

PROCEDURAL HISTORY

Barr pleaded guilty to first-degree terroristic threatening and was placed on probation. After a prior revocation and reinstatement of probation, the State petitioned to revoke based on alleged violations, including Barr's guilty plea to third-degree domestic battery. The Clay County Circuit Court revoked probation and sentenced Barr to eighteen months' incarceration, and the Court of Appeals affirmed while granting counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Moore v. State, 2022 Ark. App. 5
- Stephenson v. State, 2023 Ark. App. 453
- Stewart v. State, 2021 Ark. App. 289, 624 S.W.3d 357
- Lacey v. State, 2023 Ark. App. 87, 660 S.W.3d 883
- Fulks v. State, 2023 Ark. App. 566, 680 S.W.3d 743
- Robertson v. State, 2010 Ark. 300, 367 S.W.3d 538, 542

OPINION

Aaron Barr v. State of Arkansas 2026 Ark. App. 344

PER CURIAM.

Cite as 2026 Ark. App. 344

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CR-25-665 Opinion Delivered May 20, 2026

AARON BARR

APPELLANT APPEAL FROM THE CLAY

COUNTY CIRCUIT COURT,

V. EASTERN DISTRICT

[NO. 11PCR-18-70]

STATE OF ARKANSAS

APPELLEE HONORABLE PAMELA

HONEYCUTT, JUDGE

AFFIRMED; MOTION TO

WITHDRAW GRANTED

MIKE MURPHY, Judge Appellant Aaron Barr appeals the decision of the Clay County Circuit Court revoking his probation and sentencing him to eighteen months' incarceration. His counsel has filed a no-merit brief and a motion to be relieved in accordance with Anders v. California, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(b), stating that there are no meritorious grounds to support an appeal. Barr was notified of his right to file pro se points in response to his counsel's brief, and he has not done so. We affirm and grant counsel's motion to be relieved. On September 19, 2018, Barr entered a guilty plea to one count of first-degree terroristic threatening, a Class D felony. He was initially sentenced to a term of thirty-six months' probation. Then, while

on probation, on October 14, 2019, Barr had his probation revoked. He was sentenced to a term of sixty days in the county jail and sixty months' probation. The terms of his probation included that he "must obey all federal and state laws, local ordinances, and court orders." That term of probation would have ended on October 14, 2024, but on June 27, 2024, the State filed a petition to revoke Barr's probation alleging that Barr had willfully failed to pay fines and costs, had been arrested for disorderly conduct and third-degree domestic battery, and had tested positive on two occasions for drugs or alcohol. He was served with the warrant on that petition on August 16, 2024. At the hearing on the petition to revoke probation, the court heard evidence that, among other things, on February 5, 2024, Barr had pleaded guilty to third-degree domestic battery. The docket sheet denoting the plea was entered into evidence without objection. The court found that the evidence of the guilty plea to domestic battery was sufficient to prove that Barr had not acted in a lawful manner such that he had violated a term of his probation. The State recommended eighteen months in the Arkansas Division of Correction followed by a thirty-six-month suspended imposition of sentence, which the court accepted over Barr's request for extended probation. After the court announced its sentence, Barr addressed the court and alleged ineffective assistance of counsel. The court advised him that he could bring these allegations in a postconviction motion. This no-merit appeal followed. A request to withdraw on the basis that the appeal is wholly without merit must be accompanied by a brief containing an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions, and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal. Ark. Sup. Ct. R. 4-3(b)(1). A no-merit brief in a criminal case that fails to address an adverse ruling does not satisfy the requirements of Rule 4-3(b)(1), and rebriefing will be required. *Moore v. State*, 2022 Ark. App. 5. The requirement for briefing every adverse ruling ensures that the due-process concerns in *Anders* are met and prevents the unnecessary risk of a deficient *Anders* brief resulting in an incorrect decision on counsel's motion to withdraw. *Stephenson v. State*, 2023 Ark. App. 453. Counsel contends that there are no issues of merit to support an appeal and has adequately explained why an appeal would be wholly frivolous. We first address whether the evidence was sufficient to support the revocation. To revoke probation or suspended sentence, the State must prove by a preponderance of the evidence that the defendant violated a condition of his probation. *Stewart v. State*, 2021 Ark. App. 289, 624 S.W.3d 357. We will not reverse the circuit court's findings unless they are clearly against the preponderance of the evidence. *Id.* Evidence that would not support a criminal conviction in the first instance may be enough to revoke probation or a suspended sentence. *Id.* Determining whether a preponderance of the evidence exists turns on questions of credibility and weight to be given to the testimony. *Id.* In this no-merit brief, counsel has addressed the sufficiency of the evidence presented in support of the revocation. Given that while on probation Barr pleaded guilty to domestic battery, there could be no issue of arguable merit to raise on appeal concerning the sufficiency of the evidence to revoke. In *Lacey v. State*, 2023 Ark. App. 87, 660 S.W.3d 883, we

held that a certified copy of the defendant's guilty plea to a misdemeanor offense of fleeing, admitted without objection, constituted sufficient evidence of a newly committed crime to support the revocation of probation when a condition of probation was living a law-abiding life. The only other adverse rulings were the circuit court's rejection of Barr's request for a lesser sentence (extended probation) and its declining to take up Barr's allegation of ineffective assistance of counsel. We agree with counsel that neither of these points would provide meritorious points for reversal at this time. Sentencing is entirely a matter of statute, and the circuit court has the authority to impose a particular sentence when it complies with the applicable statute. *Fulks v. State*, 2023 Ark. App. 566, 680 S.W.3d 743. Here, upon revocation, Barr was subject to being sentenced for the underlying crime in compliance with the statutory maximum, and the circuit court sentenced him accordingly. See Ark. Code Ann. § 5-4-401(a)(5) (Repl. 2024). Regarding the ineffective assistance of counsel, Barr's complaint centered on inadequate communication with his counsel, but at the hearing, he did not develop what additional communication would have changed. Without some demonstration of prejudice, the ineffective-assistance-of-counsel argument fails. See, e.g., *Robertson v. State*, 2010 Ark. 300, at 4, 367 S.W.3d 538, 542 (“[A]ppellant contended that counsel did not communicate with her sufficiently prior to trial, but she does not point out what further communication would have produced that would have changed the outcome of the trial.”). Moreover, the circuit court correctly noted that Barr is not without a remedy because he may pursue any ineffective-assistance claims through a properly filed petition for postconviction relief under Rule 37, where the record may be more fully developed. Finally, Barr's counsel also correctly notes that while there were a few pretrial motions filed, none of them were ruled on and, therefore, do not present meritorious grounds for appeal. Affirmed; motion to withdraw granted. ABRAMSON and BROWN, JJ., agree. Wilkinson Law Firm, by: Bryan Altman, for appellant. One brief only. 5