

COURT OF APPEALS OF ARKANSAS, DIVISION II

Bryan Tanksley v. State of Arkansas

Tanksley, 2026 Ark. App. 322 (Ark. Ct. App. 2026) · No. CR-25-644 · Decided May 20, 2026

SUMMARY

The Arkansas Court of Appeals affirmed Bryan Tanksley’s convictions for possession of morphine and possession of drug paraphernalia and granted appointed counsel’s motion to withdraw under the Anders no-merit procedure. The court rejected potential appellate issues concerning the Batson challenge, sentencing-phase evidence about the community effects of drugs, sentencing discretion, and the circuit court’s consideration of drug and alcohol testing results.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division II
WRITING FOR THE COURT	Brandon J. Harrison; Barrett, J.; Hixson, J.
JURISDICTION	Arkansas Court of Appeals, Division II
DECIDED	May 20, 2026
DOCKET	CR-25-644
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tanksley appealed convictions for possession of a controlled substance and possession of drug paraphernalia after pleading guilty to both charges and having a jury determine his sentences. Appellate counsel filed a no-merit brief and moved to withdraw under Arkansas Supreme Court Rule 4-3(b)(1) and Anders v. California.
STANDARD OF REVIEW	The court applied abuse-of-discretion review to the circuit court's sentencing decisions and to admission of evidence during the sentencing phase. It stated that a sentencing decision would be reversed for erroneously admitted evidence only upon a showing of prejudice. In reviewing the no-merit appeal, the court independently examined the proceedings to determine whether any potentially appealable issue was wholly frivolous.
PRECEDENTIAL VALUE	published
PARTIES	Bryan Tanksley v. State of Arkansas

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QUESTIONS PRESENTED

1. Whether the no-merit appeal presented any wholly nonfrivolous issue requiring reversal.
2. Whether the circuit court abused its discretion by imposing consecutive sentences totaling eighteen years.
3. Whether the circuit court erred in overruling Tanksley's Batson objection to the State's peremptory strikes of three African American prospective jurors.
4. Whether the circuit court abused its discretion by admitting testimony concerning the effects of drugs on Ashley County during the sentencing phase.
5. Whether the circuit court's consideration of Tanksley's drug and alcohol test results before imposing sentence required reversal.

HOLDINGS

1. After a full examination of the proceedings and the issues identified in counsel's no-merit brief, the court held that any appeal would be wholly without merit.
2. The circuit court did not abuse its discretion by imposing the jury-recommended consecutive sentences totaling eighteen years, which were within the statutory sentencing limits.
3. The Batson challenge did not provide a meritorious ground for reversal because the State supplied a race-neutral reason for the strikes and defense counsel did not proceed beyond requesting those reasons or present additional evidence.
4. The admission of the testimony during the sentencing phase did not provide a meritorious ground for reversal because Tanksley was not sentenced to the maximum possible sentence and therefore could not establish prejudice.
5. The circuit court's consideration of the drug and alcohol test results did not provide a meritorious ground for reversal.

KEY QUOTATIONS

"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." (at 4)

"From our review of the record and the brief presented, we hold that any appeal would be wholly without merit." (at 7)

"Affirmed; motion to withdraw granted." (at 7)

FACTUAL BACKGROUND

Tanksley was charged as a habitual offender with possession of morphine and possession of drug paraphernalia after a parole-related home visit in which officers found a vial of morphine and two glass pipes in his bedroom. He later pleaded guilty to both charges, and a jury recommended twelve years for possession of a controlled substance and six years for possession of drug paraphernalia, with consecutive sentences. During sentencing, the circuit court overruled a Batson objection, admitted testimony about the effects of drugs on the community, and considered drug and alcohol testing conducted after the jury retired before imposing the eighteen-year sentence.

PROCEDURAL HISTORY

The Ashley County Circuit Court accepted Tanksley's guilty pleas, conducted sentencing proceedings before a jury, and imposed consecutive sentences totaling eighteen years' imprisonment. Tanksley timely appealed. His appointed counsel filed a no-merit brief identifying adverse rulings concerning sentencing, a Batson objection, sentencing-phase evidence, and the circuit court's consideration of drug and alcohol testing. The Arkansas Court of Appeals independently reviewed the record, concluded that any appeal would be wholly without merit, affirmed the convictions, and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- T.S. v. State, 2017 Ark. App. 578, 534 S.W.3d 160
- Brown v. State, 82 Ark. App. 61, 110 S.W.3d 293 (2003)
- Hoodenpyle v. State, 2013 Ark. App. 375, 428 S.W.3d 547
- Teague v. State, 328 Ark. 724, 946 S.W.2d 670 (1997)
- Weston v. State, 366 Ark. 265, 275, 234 S.W.3d 848, 856 (2006)
- Owens v. State, 363 Ark. 413, 417, 214 S.W.3d 849, 852 (2005)
- Fowler v. State, 2024 Ark. App. 63, 684 S.W.3d 271
- Gillean v. State, 2015 Ark. App. 698, 478 S.W.3d 255

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