

COURT OF APPEALS OF ARKANSAS, DIVISION IV

Rudi Hernandez v. State of Arkansas

2026 Ark. App. 34 (Ark. Ct. App. 2026) · No. CR-25-324 · Decided January 21, 2026

SUMMARY

The Arkansas Court of Appeals orders rebriefing and denies appointed counsel’s motion to withdraw in an Anders no-merit appeal arising from the revocation of Rudi Hernandez’s probation. The court concludes that the record does not support counsel’s assertion that Hernandez pleaded guilty to the revocation allegations and directs counsel to address the applicable appellate procedure and the legality of the sentence. The case is remanded with instructions to strike the portion of the sentencing order requiring Hernandez to complete substance-abuse treatment.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division IV
WRITING FOR THE COURT	Bart F. Virden; Barrett; Thyer
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	January 21, 2026
DOCKET	CR-25-324
DISPOSITION	remanded
PROCEDURAL POSTURE	Hernandez appealed an order revoking his probation and imposing an aggregate twelve-year prison sentence. Appointed counsel filed an Anders no-merit brief and moved to withdraw. The Arkansas Court of Appeals ordered rebriefing, denied the motion to withdraw, and remanded for correction of an illegal sentencing provision.
PRECEDENTIAL VALUE	Published
PARTIES	Rudi Hernandez v. State of Arkansas

TOPICS

- criminal procedure
- probation
- sentencing
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- probation
- appellate procedure
- sentencing

QUESTIONS PRESENTED

1. Whether the record supported appointed counsel's assertion that Hernandez had entered a guilty plea to the allegations in the probation-revocation petition, such that the appeal was subject to the guilty-plea appeal limitation.
2. Whether the sentencing order unlawfully required Hernandez to complete substance-abuse treatment.
3. Whether counsel's Anders no-merit brief adequately addressed the appeal and justified withdrawal.

HOLDINGS

1. The record did not support counsel's assertion that Hernandez entered a guilty plea to the revocation allegations; the record instead showed that he admitted the allegations and was found guilty of them.
2. The portion of the sentencing order directing Hernandez to complete substance-abuse treatment was an illegal sentence and had to be stricken.
3. Counsel's motion to withdraw was denied, and counsel was ordered to file a substituted brief complying with the applicable rules.

KEY QUOTATIONS

“We order rebriefing and deny counsel’s motion to withdraw.” (at 1)

“Accordingly, we instruct the trial court on remand to strike the portion of the sentencing order directing Hernandez to complete substance-abuse treatment because it is an illegal sentence.” (at 2)

“As in Schreibvogel, the record here does not support defense counsel’s assertion that Hernandez entered a guilty plea to the allegations in the State’s revocation petition.” (at 4)

FACTUAL BACKGROUND

In June 2024, Hernandez was charged with two counts of first-degree terroristic threatening and later pleaded guilty to both charges. He was placed on six years’ probation with conditions including a substance-abuse assessment and recommended treatment, anger-management classes, and no contact with specified victims. The State later petitioned to revoke probation based on alleged new offenses and failures to provide proof of completing the required assessment and class. Hernandez admitted the amended allegations at the revocation hearing, and the circuit court imposed consecutive six-year prison terms and again ordered substance-abuse treatment.

PROCEDURAL HISTORY

Hernandez pleaded guilty to two counts of first-degree terroristic threatening in the Benton County Circuit Court and received six years of probation. After the State petitioned to revoke probation based on alleged new offenses and failures to complete required conditions, Hernandez admitted the allegations at a revocation hearing. The circuit court revoked probation and imposed consecutive six-year prison terms, while also ordering Hernandez to complete substance-abuse treatment. On appeal, counsel filed a no-merit brief asserting that no appeal was available from a guilty plea; the appellate court rejected that characterization as unsupported by the record, ordered rebriefing, denied withdrawal, and remanded to strike the substance-abuse-treatment provision.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The circuit court must strike from the sentencing order the provision directing Hernandez to complete substance-abuse treatment. Counsel must file a substituted brief complying with the applicable rules within fifteen days; if a no-merit brief is filed, the clerk must provide it and counsel's motion to Hernandez for pro se points, and the State may reply if points are filed.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Burton v. State, 2012 Ark. App. 452
- Parmley v. State, 2011 Ark. App. 685
- Mouse v. State, 2025 Ark. App. 12
- Price v. State, 2012 Ark. App. 33
- Schreibvogel v. State, 2022 Ark. App. 307
- Radford v. State, 2018 Ark. App. 89, 538 S.W.3d 894

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