

COURT OF APPEALS OF ARKANSAS, DIVISION I

Damien Dickerson v. State of Arkansas

Dickerson, 2026 Ark. App. 7 (Ark. Ct. App. 2026) · No. CR-24-815 · Decided January 14, 2026

SUMMARY

The Arkansas Court of Appeals ordered rebriefing and denied defense counsel’s motion to withdraw in an Anders no-merit appeal from the revocation of Damien Dickerson’s probation. The court held that counsel failed to address whether the circuit court had authority to revoke probation for criminal mischief after the probationary period had expired.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division I
WRITING FOR THE COURT	Raymond R. Abramson; Harrison; Tucker
JURISDICTION	Arkansas Court of Appeals
DECIDED	January 14, 2026
DOCKET	CR-24-815
DISPOSITION	remanded
PROCEDURAL POSTURE	Dickerson appealed an order revoking his probation. His counsel filed an Anders no-merit brief and moved to withdraw. The Arkansas Court of Appeals denied the motion and ordered counsel to file an adversarial brief.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Damien Dickerson v. State of Arkansas

TOPICS

- appellate procedure
- probation
- criminal procedure
- sentencing

PRACTICE AREAS

- criminal appellate procedure
- probation revocation
- Anders no-merit appeals

QUESTIONS PRESENTED

1. Whether counsel's Anders no-merit brief complied with Anders v. California and Arkansas Rule 4-3(b).

2. Whether the brief was inadequate because it failed to address whether the circuit court had authority to revoke Dickerson's probation for criminal mischief after the probationary period had expired.
3. Whether counsel's motion to withdraw should be denied and rebriefing ordered when the record presents an issue that is not wholly frivolous.

HOLDINGS

1. Counsel's no-merit brief did not comply with *Anders v. California* and Rule 4-3(b) because it failed to address the potentially meritorious issue concerning revocation of Dickerson's criminal-mischief probation after expiration of the probationary period.
2. A circuit court lacks authority to revoke a defendant's probation and impose sentence after the defendant's probationary period has expired.
3. When an appeal submitted under Rule 4-3(b) presents an issue that is not wholly frivolous, the court must deny counsel's motion to withdraw and order rebriefing in adversarial form.

KEY QUOTATIONS

"A circuit court lacks the authority to revoke a defendant's probation and impose sentence after the defendant's period of probation has expired." (2)

"Because Dickerson's counsel fails to demonstrate that an appeal would be wholly frivolous, we direct counsel to file a brief in adversarial format discussing this issue and any others that counsel may deem appropriate." (2-3)

FACTUAL BACKGROUND

Dickerson pleaded guilty on February 25, 2021, to aggravated assault on a family or household member, failure to appear, and criminal mischief. He received probationary sentences, including twelve months for criminal mischief. The State filed a revocation petition on May 3, 2022, alleging supervision, residence, travel, drug-testing, and payment violations. After a September 9, 2024 revocation hearing, the circuit court revoked probation and imposed county-jail and prison sentences, including twelve months for criminal mischief and sixty months for aggravated assault and failure to appear.

PROCEDURAL HISTORY

Dickerson pleaded guilty in the Faulkner County Circuit Court to aggravated assault on a family or household member, failure to appear, and criminal mischief, and received probationary sentences. The State later petitioned to revoke probation, and after a revocation hearing the circuit court revoked probation and imposed incarceration. On the ensuing no-merit appeal, the Court of Appeals determined that counsel's brief failed to address a potentially meritorious issue concerning revocation of probation after expiration of the probationary period.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Counsel must file a brief in adversarial format discussing whether the circuit court could revoke Dickerson's criminal-mischief probation after the probationary period expired, along with any other issues counsel deems appropriate. The State may file a response brief, and the clerk must reset the briefing schedule. Counsel's motion to withdraw is denied.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Wilson v. State, 2017 Ark. App. 64
- Wilson v. State, 2016 Ark. App. 342
- Hughes v. State, 2023 Ark. App. 316
- Runion v. State, 2012 Ark. App. 30
- Tucker v. State, 47 Ark. App. 96, 885 S.W.2d 904 (1994)

OPINION

PER CURIAM.

Cite as 2026 Ark. App. 7 ARKANSAS COURT OF APPEALS DIVISION I No. CR-24-815 DAMIEN DICKERSON Opinion Delivered January 14, 2026 APPELLANT APPEAL FROM THE FAULKNER COUNTY CIRCUIT COURT V. [NO. 23CR-19-987] STATE OF ARKANSAS HONORABLE H.G. FOSTER, JUDGE APPELLEE REBRIEFING ORDERED; MOTION TO WITHDRAW DENIED RAYMOND R. ABRAMSON, Judge Damien Dickerson appeals the Faulkner County Circuit Court's order revoking his probation.

Pursuant to Anders v. California, 386 U.S. 738 (1967), and Rule 4-3(b) of the Rules of the Arkansas Supreme Court and Court of Appeals, Dickerson's attorney has filed a motion to withdraw and a no-merit brief asserting that there are no issues of arguable merit to raise on appeal.

Because Dickerson's counsel's no-merit brief is not in compliance with Anders and Rule 4-3(b), we order rebriefing and deny counsel's motion to withdraw. On February 25, 2021, Dickerson pled guilty to aggravated assault on a family or household member, failure to appear, and criminal mischief. He was sentenced to forty-eight months' probation for aggravated assault and failure to appear.

He was sentenced to twelve months' probation for criminal mischief. He was fined \$1000 and ordered to pay fees and courts costs. On May 3, 2022, the State petitioned to revoke Dickerson's probation for aggravated assault and failure to appear.

The State alleged that Dickerson had evaded supervision, committed residence and travel violations, tested positive for illegal substances, and failed to pay fines. On September 9, 2024, the

court held a revocation hearing. At the conclusion of the hearing, the court found that Dickerson had violated his probation and then revoked his probation.

The court sentenced Dickerson to twelve months in county jail for criminal mischief and sixty months' incarceration for aggravated assault and failure to appear. This no-merit appeal followed. However, counsel's brief is not in compliance with Anders and Rule 4-3(b). Counsel does not address the issue that the circuit court revoked Dickerson's probation on criminal mischief even though his probationary period expired before the State filed its petition to revoke.

A circuit court lacks the authority to revoke a defendant's probation and impose sentence after the defendant's period of probation has expired. See *Wilson v. State*, 2017 Ark. App. 64; *Wilson v. State*, 2016 Ark. App. 342. When an appeal is submitted to this court under Rule 4-3(b) and we believe that an issue is not wholly frivolous, we are required to deny appellant's counsel's motion to withdraw and order rebriefing in adversary form.

Hughes v. State, 2023 Ark. App. 316; *Runion v. State*, 2012 Ark. App. 30; *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994). Because Dickerson's counsel fails to demonstrate that an appeal would be wholly frivolous, we direct counsel to file a brief in adversarial format discussing this issue and any others that counsel 2 may deem appropriate.

The State will then have the opportunity to file a response brief. The clerk is directed to reset the briefing schedule. Rebriefing ordered; motion to withdraw denied. HARRISON and TUCKER, JJ., agree. Lisa-Marie Norris, for appellant. One brief only. 3