

COURT OF APPEALS OF ARKANSAS, DIVISION III

Robert Charles Smith v. State of Arkansas

Smith, 2026 Ark. App. 11 (Ark. Ct. App. 2026) · No. CR-25-187 · Decided January 14, 2026

SUMMARY

The Arkansas Court of Appeals affirmed the revocation of Robert Charles Smith’s suspended imposition of sentence and granted appointed counsel’s motion to withdraw in this no-merit appeal. The court held that the State presented sufficient evidence that Smith failed to pay restitution, fines, and fees, and that the sentence imposed was within statutory limits. The court also rejected challenges to the admission of a prior sentencing order and the denial of a continuance.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division III
WRITING FOR THE COURT	Robert J. Gladwin; Klappenbach, C.J.; Brown, J.
JURISDICTION	Arkansas Court of Appeals, Division III
DECIDED	January 14, 2026
DOCKET	CR-25-187
DISPOSITION	affirmed
PROCEDURAL POSTURE	No-merit appeal from an order revoking Smith's suspended imposition of sentence and sentencing him to five years in the Arkansas Division of Correction with one year suspended. Appellate counsel filed an Anders motion to withdraw and no-merit brief.
STANDARD OF REVIEW	In a no-merit appeal, the court independently examines the entire record to determine whether the case is wholly frivolous and whether counsel complied with Anders and Arkansas Rule 4-3(b). A revocation decision is not reversed unless clearly against the preponderance of the evidence. Sentencing is reviewed for abuse of discretion, and a continuance ruling is reviewed for abuse of discretion amounting to a denial of justice.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Robert Charles Smith v. State of Arkansas

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QUESTIONS PRESENTED

1. Whether the evidence supported revocation of Smith's suspended imposition of sentence for failure to pay restitution, fines, fees, and costs.
2. Whether the circuit court imposed an unlawful or abuse-of-discretion sentence upon revocation.
3. Whether the circuit court erred by admitting a sentencing order showing Smith's later guilty plea to terroristic threatening.
4. Whether the circuit court abused its discretion by denying Smith's request for a continuance to make additional payments.
5. Whether counsel's Anders brief complied with Arkansas Rule 4-3(b) and whether any issue had arguable merit.

HOLDINGS

1. The circuit court properly revoked Smith's SIS because the State proved by a preponderance of the evidence that he failed to pay restitution, fines, fees, and costs as ordered.
2. The circuit court did not abuse its discretion by imposing five years in the ADC with one year suspended because the sentence was within the applicable statutory limit for a Class D felony.
3. The circuit court did not err in admitting the evidence because the rules of evidence do not apply in revocation proceedings.
4. The circuit court did not abuse its discretion by denying Smith's request for additional time to make payments.
5. Counsel's brief complied with Anders and Rule 4-3(b), and the record contained no issue of arguable merit.

KEY QUOTATIONS

"From our review of the record and the brief presented, we hold that counsel's brief is in compliance with the directives of Anders and Rule 4-3(b)(1) and that there are no issues of arguable merit to support an appeal."
(at 3)

"In revocation proceedings, the State has the burden of proving by a preponderance of the evidence that a defendant violated the terms of his or her SIS as alleged in the revocation petition, and this court will not reverse the circuit court's decision to revoke a suspended sentence unless it is clearly against the preponderance of the evidence." (at 4)

“The rules of evidence do not apply in revocation proceedings, and an alleged violation of the rules of evidence cannot form the basis for exclusion of evidence at a revocation hearing.” (at 6)

FACTUAL BACKGROUND

Smith pleaded guilty to second-degree battery and third-degree battery in 2014 and received concurrent suspended sentences, with orders to pay restitution, fines, costs, and fees in monthly installments. The State later petitioned to revoke his SIS, alleging that he had failed to make the required payments. At the 2025 hearing, payment ledgers showed that Smith had paid only \$110 toward his obligations, and the court also admitted a sentencing order reflecting a later guilty plea to terroristic threatening. The circuit court revoked the SIS, sentenced Smith to five years in the ADC with one year suspended, and declined to grant another continuance for additional payments.

PROCEDURAL HISTORY

Smith pleaded guilty in Sebastian County Circuit Court to second-degree battery and third-degree battery and received concurrent suspended sentences, along with financial obligations. The State petitioned to revoke his suspended imposition of sentence for failure to pay restitution, fines, costs, and fees. After multiple continuances, the circuit court revoked the SIS and imposed a five-year ADC sentence with one year suspended. Smith appealed, and appointed counsel filed a no-merit brief and motion to withdraw; Smith filed no pro se points.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *Thompson v. State*, 2025 Ark. App. 361
- *Harvey v. State*, 2022 Ark. App. 283, 646 S.W.3d 292
- *Mathis v. State*, 2021 Ark. App. 49, 616 S.W.3d 274
- *Ludwick v. State*, 2021 Ark. App. 347, 635 S.W.3d 330
- *Hoodenpyle v. State*, 2013 Ark. App. 375, 428 S.W.3d 547
- *Foster v. State*, 2023 Ark. App. 157, 661 S.W.3d 743
- *Dye v. State*, 2019 Ark. App. 234, 576 S.W.3d 73