

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR10-583

SHANNON CRUISE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered MAY 25, 2011

APPEAL FROM THE FRANKLIN
COUNTY CIRCUIT COURT,
NORTHERN DISTRICT
[NO. CR2009-93]

HONORABLE WILLIAM M.
PEARSON, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

RAYMOND R. ABRAMSON, Judge

This case comes before us for a second time. Appellant Shannon Cruise was found guilty by a Franklin County jury of felony fleeing; second-offense DWI; driving while license suspended; and refusal to submit to arrest. Counsel for Cruise previously filed a no-merit brief and a motion to be relieved as counsel, but we denied the motion and ordered counsel to cure deficiencies in his original no-merit brief. *Cruise v. State*, 2011 Ark. App. 29. We noted that counsel, by failing to abstract or address the denial of a motion for mistrial requested during *voir dire*, did not fulfill Ark. Sup. Ct. R. 4-3(k)(1)'s requirement to abstract and list in a no-merit brief all rulings adverse to defendant and explain why each was not a meritorious ground for reversal.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and in compliance with our order for rebriefing, counsel for Shannon Cruise has again filed a no-merit appeal and has

asked to be relieved as counsel in the case. The clerk of this court furnished Cruise with a copy of his counsel's corrected brief and notified him of his right to file *pro se* points. Cruise filed such a statement, asserting ineffective assistance of counsel, evidentiary error, and lack of a fair trial. The State filed a brief pursuant to Ark. Sup. Ct. R. 4-3(k)(3) explaining why Cruise's *pro se* points would not support reversal.

After a careful review of the record and counsel's brief, we find compliance with Rule 4-3(k) and conclude that the appeal is wholly without merit. We also agree with the State that the issues raised by Cruise were either not preserved for appeal, are not ripe for review, or do not otherwise support reversal. Accordingly, we grant counsel's motion to be relieved and affirm appellant's convictions.

Affirmed; motion to withdraw granted.

HART and GLADWIN, JJ., agree.