

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR10-1000

LONNIE LYNN MILLER
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered JUNE 29, 2011

APPEAL FROM THE UNION
COUNTY CIRCUIT COURT
[NO. CR-2007-333-4-1]

HONORABLE HAMILTON H.
SINGLETON, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

ROBERT J. GLADWIN, Judge

This is a no-merit appeal from the revocation of appellant Lonnie Lynn Miller's suspended imposition of sentence wherein he was sentenced to ten years' imprisonment in the Arkansas Department of Correction (ADC). Appellant's counsel has filed a motion to withdraw and a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k)(1) (2010). Appellant was provided a copy of his counsel's brief and in turn has filed seven pro se points for reversal. We affirm and grant the motion to withdraw.

An attorney's request to withdraw from appellate representation based upon a meritless appeal must be accompanied by a brief that contains a list of all rulings adverse to his client made on any objection, motion, or request made by either party. *Eads v. State*, 74 Ark. App.

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363, 47 S.W.3d 918 (2001). The argument section of the brief must contain an explanation of why each adverse ruling is not a meritorious ground for reversal. *Id.* We are bound to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001). If counsel fails to address all possible grounds for reversal, we can deny the motion to withdraw and order rebriefing. *Sweeney v. State*, 69 Ark. App. 7, 9 S.W.3d 529 (2000).

Appellant's counsel contends that he has thoroughly examined the record in compliance with *Anders, supra*, and Rule 4-3(k)(1), and has found no error that would support a nonfrivolous appeal in this matter. He contends that the only objection made by appellant during the hearing was to a question posed by the State to appellant's mother, Sally Feiland, concerning whether appellant's boss may have had a criminal conviction. Appellant's objection was based upon relevance and the basis of Ms. Feiland's knowledge concerning the man's status. Counsel contends that, even though the circuit court ruled that the witness could answer the question, appellant was not prejudiced because the witness responded that she did not know whether appellant's boss had a criminal record.

Here, appellant's counsel's brief complies with Rule 4-3(k)(1). And after carefully reviewing the record, we agree with appellant's counsel's conclusion: there are no issues of arguable merit on appeal. The circuit court's finding that appellant violated at least one condition of his suspended imposition of sentence, thereby warranting revocation, is supported by a preponderance of the evidence. *Foster v. State*, 104 Ark. App. 108, 289 S.W.3d

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476 (2008). Likewise, appellant's pro se points for reversal on appeal are either unrelated to the conviction on appeal or not preserved for appellate review. In short, appellant's pro se points on appeal are wholly without merit as well. We therefore affirm the circuit court's revocation decision and grant appellant's counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

PITTMAN and BROWN, JJ., agree.