

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR11-99

CHRISTOPHER B. BURRIS
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 11, 2012

APPEAL FROM THE UNION
COUNTY CIRCUIT COURT
[CR-2009-316-1]

HONORABLE HAMILTON H.
SINGLETON, JUDGE

REBRIEFING ORDERED; MOTION
TO WITHDRAW DENIED

DAVID M. GLOVER, Judge

Appellant Christopher Burris was tried by a jury and found guilty of aggravated robbery, use of a firearm, and possession of a firearm by certain persons. He was sentenced to a total of 540 months in the Arkansas Department of Correction, which included an enhancement for use of a firearm during the commission of a felony. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals, appellant's attorney has filed a motion to withdraw as counsel on the ground that the appeal is wholly without merit. The motion is accompanied by an abstract, brief, and addendum that purport to refer to everything in the record that might arguably support the appeal, and a statement of reasons why none of those rulings would be a meritorious ground for reversal.



Cite as 2012 Ark. App. 43

The clerk of this court furnished appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points within thirty days, which appellant has done. However, our review of the record and briefs in this case reveals that the verdict forms, though included in the record filed with this appeal, were not included in the addendum to counsel's brief in accordance with Rule 4-2 of the Rules of the Arkansas Supreme Court and Court of Appeals. Therefore, we are unable to address the merits of counsel's motion to withdraw. We further note that the fact that we have discovered noncompliance regarding the omission of the verdict forms does not necessarily mean that there is compliance in all other respects. Consequently, we direct counsel to file a substituted brief that, in particular, includes the verdict forms and otherwise fully complies with the requirements of our Rule 4-2 and *Anders v. California, supra*.

Rebriefing ordered; motion to withdraw denied.

GRUBER and HOOFFMAN, JJ., agree.

Robert N. Jeffrey, for appellant.

Dustin McDaniel, Att'y Gen., by: *Nicana C. Sherman*, Ass't Att'y Gen., for appellee.