

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR11-630

JANA FRENCH CARRUTH
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

OPINION DELIVERED JANUARY 11, 2012

APPEAL FROM THE CONWAY
COUNTY CIRCUIT COURT,
[NO. CR 2010-225]

HONORABLE JERRY D. RAMEY,
JUDGE

MOTION TO WITHDRAW DENIED;
REBRIEFING ORDERED

ROBERT J. GLADWIN, Judge

Appellant Jana French Carruth was convicted of the offense of driving while intoxicated in the Conway County Circuit Court and sentenced to 180 days in the county jail. Carruth's counsel filed this "no-merit" appeal asserting that there are no meritorious issues and no reversible errors raised at the trial-court level.

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, Carruth's counsel has filed a motion to withdraw on the grounds that the appeal is wholly without merit. The motion is accompanied by an abstract, brief, and addendum referring to everything in the record that might arguably support the appeal, together with a statement of reasons why none of those rulings would be a meritorious ground for reversal. The clerk of this court furnished Carruth



with a copy of her counsel's brief and notified her of her right to file a pro se statement of points for reversal within thirty days. Appellant has not filed a statement of points.

In this instance, counsel's abstract and argument section of his brief are deficient. Although counsel correctly notes that the only adverse rulings are the denial of appellant's motions for directed verdict and the conviction itself, the motions and related rulings by the circuit court are neither adequately abstracted nor discussed in the argument section of the brief. Counsel specifically fails to set out the standard of review with respect to a challenge to the sufficiency of the evidence and the elements of the offense charged.

We direct counsel to submit a substituted abstract that conforms with the requirements of Rule 4-2. We also order Carruth's counsel to correct the deficiencies in the argument section in a substituted brief. Counsel will have fifteen days to file a substituted brief pursuant to Arkansas Supreme Court Rule 4-2(b)(3) (2011). In ordering rebriefing, we do not preclude appellate counsel from submitting a merit brief.

Motion to withdraw denied; rebriefing ordered.

VAUGHT, C.J., and BROWN, J., agree.

Camille Edmison-Wilhelmi, for appellant.

Dustin McDaniel, Att'y Gen., by: *Eileen W. Harrison*, Ass't Att'y Gen., for appellee.