

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR11-18

ANTHONY DEWAYNE PRICE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered JANUARY 11, 2012

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT
[NO. CR-2003-1320]

HONORABLE JAMES O. COX,
JUDGE

REBRIEFING ORDERED; MOTION
TO WITHDRAW DENIED

JOSEPHINE LINKER HART, Judge

Counsel for Anthony Dewayne Price has filed a motion to withdraw on the ground that the appeal is wholly without merit and has also filed a brief containing an argument section that purports to list all rulings adverse to Price made by the circuit court with an explanation as to why each adverse ruling is not a meritorious ground for reversal. *See Anders v. California*, 386 U.S. 738 (1967); Ark. Sup. Ct. R. 4-3(k) (2011). Price was provided with a copy of his counsel's brief and notified of his right to file a list of pro se points within thirty days, but he has not filed any points.

In *Price v. State*, 2011 Ark. App. 465, this court ordered rebriefing because the addendum of the brief did not contain various orders and other documents. Counsel properly filed a supplemental record and brief that contained the missing documents. The supplemental record, however, also included a pro se motion to dismiss and for habeas relief



Cite as 2012 Ark. App. 33

based on the State's failure to comply with Interstate Agreement on Detainers, along with the State's response, the circuit court's order, and various other related documents. Rule 4-3(k) requires that the brief "contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit court on all objections, motions and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal." Rule 4-3(k) further requires that the "abstract and Addendum of the brief shall contain, in addition to the other material parts of the record, all rulings adverse to the defendant made by the circuit court." Counsel did not discuss this adverse ruling and did not include these documents in the brief. Given these deficiencies, rebriefing is ordered.

Further, counsel did not include in the brief the exhibits introduced into evidence at the revocation hearing. These exhibits are material to the adverse ruling on the sufficiency of the evidence to support the revocation. And while counsel included documents relating to Price's multiple sentences, counsel did not discuss in the argument portion of the brief the legality of the sentences, considering in particular the length of the sentences imposed, the length of the suspended sentences, and when the period of suspension on each sentence began to run. Ark. Code Ann. § 5-4-306 (Repl. 2006); Ark. Code Ann. § 5-4-307 (Repl. 2006); Ark. Code Ann. § 5-4-401 (Repl. 2006). Thus, rebriefing is ordered to correct these deficiencies as well.

Rebriefing ordered; motion to withdraw denied.

ROBBINS and ABRAMSON, JJ., agree.

David L. Dunagin, for appellant.

No response.