

**ARKANSAS COURT OF APPEALS**

DIVISION III  
No. CACR11-441

DAVID SWARTHOUT

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered May 9, 2012

APPEAL FROM THE LONOKE  
COUNTY CIRCUIT COURT  
[NOS. CR10-299, CR09-64]

HONORABLE PHILLIP T.  
WHITEAKER, JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**RAYMOND R. ABRAMSON, Judge**

This case comes before us for a second time. In *Swarthout v. State*, 2012 Ark. App. 46, we ordered counsel to cure deficiencies in his original no-merit brief.<sup>1</sup> Appellant's attorney has now corrected those deficiencies and, 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, has once again 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 include everything in the record that might arguably support the appeal, together with a statement of reasons why none of the trial court's adverse rulings would be a meritorious

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<sup>1</sup>In our previous opinion, we noted that counsel had failed to abstract or address the trial court's denial of appellant's request that his case be transferred to a post-adjudication court or his request for probation. As a result, counsel had not fulfilled Ark. Sup. Ct. R. 4-3(k)(1)'s requirement to list in a no-merit brief all rulings adverse to the defendant and explain why each was not a meritorious ground for reversal.



Cite as 2012 Ark. App. 335

ground for reversal. 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 for reversal within thirty days. Appellant has not filed a statement of points.

From our review of the record and the brief presented to us, we find compliance with Rule 4-3(k) and that the appeal is without merit. Accordingly, counsel's motion to withdraw is granted, and the order of revocation is affirmed.

Affirmed; motion to withdraw granted.

PITTMAN and BROWN, JJ., agree.

*Robert M. "Robby" Golden*, for appellant.

No response.