

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR12-115

FREDDIE ATKINS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered August 29, 2012

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT,
[NO. CR-09-1545]

HONORABLE JOHN N.
FOGLEMAN, JUDGE

MOTION DENIED; REBRIEFING
ORDERED

WAYMOND M. BROWN, Judge

Appellant Freddie Atkins's probation was revoked after the trial court found that he had violated the terms and conditions of his probation by failing to report to his probation officer. He was sentenced to three years' imprisonment. Atkins's counsel has filed a motion to withdraw, alleging that this appeal is wholly without merit. Atkins was notified of his right to file pro se points for reversal; however, he has not done so. We deny counsel's motion to withdraw and order rebriefing.

An attorney's request to withdraw from appellate representation based on a meritless appeal must be accompanied by a brief that contains a list of all rulings adverse to his client that were made on any objection, motion, or request made by either party.¹ The argument

¹*Anders v. California*, 386 U.S. 738 (1967).



section of the brief must contain an explanation of why each adverse ruling is not a meritorious ground for reversal.² This court is bound to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous.³

Here, counsel has failed to follow the standards for submitting no-merit briefs as set out in *Anders*.⁴ Therefore, we deny his motion to withdraw. Counsel is urged to read the requirements for submitting no-merit briefs as set out in both *Anders*⁵ and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals.⁶

Motion denied; rebriefing ordered.

WYNNE and GLOVER, JJ., agree.

C. Brian Williams, for appellant.

No response.

²*Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001).

³*Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001).

⁴*Supra*.

⁵*Supra*.

⁶(2011).