

# ARKANSAS COURT OF APPEALS

DIVISION IV  
No. CACR11-617

DANIEL WEAVER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered August 29, 2012

APPEAL FROM THE CRAWFORD  
COUNTY CIRCUIT COURT  
[CR-2010-439 (II)]

HONORABLE MICHAEL MEDLOCK,  
JUDGE

REBRIEFING ORDERED

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## DAVID M. GLOVER, Judge

Appellant, Daniel Weaver, was tried by a jury and found guilty of the offense of rape. He was sentenced to twenty-nine years in the Arkansas Department of Correction. His attorney has filed a motion to withdraw and a brief purportedly prepared 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. Mr. Weaver exercised his right to file pro se points for reversal. We return the case to Weaver's counsel for rebriefing because the requirements of *Anders, supra*, and our Rule 4-3 have not been satisfied.

Counsel's brief addresses the denial of five motions filed at trial on behalf of Weaver; the denials also serve as the basis for Weaver's pro se points. Counsel does not, however, list and address all the adverse rulings in this case, explaining how each such ruling could



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provide no meritorious grounds for appeal, as required by *Anders, supra*, and our Rule 4-3. For example, our review of the record in this case reveals that appellant's counsel moved for a directed verdict at the close of the State's case and again at the close of all evidence. Both motions were denied. Yet, in the *Anders* brief, no mention is made of these adverse rulings and no discussion is provided regarding the sufficiency of the evidence to support the verdict.

Counsel is advised to review thoroughly the *Anders* case and our Rule 4-3 concerning the requirements for submitting a no-merit brief. Our mention of particular adverse rulings that were not addressed in the brief does not in any way mean that there are not other adverse rulings that were omitted or that the record has been adequately abstracted and the addendum properly prepared. It is counsel's responsibility to comply with the requirements for submitting a no-merit brief.

Rebriefing ordered.

WYNNE and BROWN, JJ., agree.

*Van Buskirk Law Firm*, by: *James M. Van Buskirk*, for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Brad Newman*, Ass't Att'y Gen., for appellee.