

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR12-319

ANTHONY GLEN ATWELL
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 16, 2013

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT,
FORT SMITH DISTRICT
[NOS. CR-06-92, CR-08-1392]

HONORABLE JAMES O. COX,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

ROBIN F. WYNNE, Judge

Anthony Glen Atwell appeals from the revocation of his suspended impositions of sentence. His counsel has filed a no-merit brief and petition to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court and Court of Appeals Rule 4-3(k). Atwell did not file any pro se points for reversal. We affirm and grant the motion to withdraw.

Appellant pled guilty to a charge of possession of methamphetamine on October 12, 2005. He received five years' suspended imposition of sentence and was ordered to pay a fine, fees, and costs. On November 2, 2006, he pled guilty to a charge of aggravated assault. He again received five years' suspended imposition of sentence and was ordered to pay restitution, a fine, fees, and costs. In a third case, appellant pled guilty to charges of theft by receiving and



possession of drug paraphernalia on January 30, 2009. He received an additional five years' suspended imposition of sentence and was ordered to pay a fine, fees, and costs. He was also ordered to serve two years' probation.

On September 27, 2011, the State filed an amended petition to revoke appellant's suspended impositions of sentence in the three above-referenced cases and the probation he received in 2009. In the petition, the State alleged that appellant failed to report to his probation officer, committed the offense of forgery in the second degree on or about June 22, 2011, and failed to pay restitution, fines, fees, and costs as ordered.

At the conclusion of the hearing on the revocation petition, the trial court found that appellant had violated the terms and conditions of his suspended sentences. In a judgment and commitment order entered on March 12, 2012, the trial court sentenced appellant to three concurrent seventy-two-month terms of imprisonment followed by forty-eight months' suspended imposition of sentence on the charges from 2006 and 2008.¹ This appeal followed.

A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief that contains a list of all rulings adverse to appellant and an explanation as to why each ruling is not a meritorious ground for reversal. Ark. Sup. Ct. R. 4-3(k)(1) (2012). Counsel has provided such a brief to this court. After a thorough review of counsel's brief and the record in this case, we agree with counsel that there would be no merit to an appeal from the judgment of the trial court. We hold that counsel has complied with Rule

¹The trial court dismissed the petition as to the 2005 case because appellant's suspended imposition of sentence ended prior to the filing of the amended petitions.



Cite as 2013 Ark. App. 8

4-3(k). The judgment of the trial court is affirmed, and counsel's motion to withdraw is granted.

Affirmed; motion to withdraw granted.

PITTMAN and BROWN, JJ., agree.

David O. Bowden, for appellant.

No response.