

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CR-12-1055

MATTHEW LAMAR SMITH  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

**Opinion Delivered** June 19, 2013

APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT  
[NO. CR-2009-1399]

HONORABLE RANDY F.  
PHILHOURS, JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**RITA W. GRUBER, Judge**

After pleading guilty, Matthew Lamar Smith was placed on five years' probation for breaking or entering and given a ten-year suspended imposition of sentence for burglary on October 11, 2011. On September 21, 2012, the trial court revoked his probation and suspended sentence and entered an order sentencing him to 48 months in the Community Correctional Center on the breaking or entering conviction and 100 months' suspended sentence on the burglary. As allowed by Rule 4-3 of the Rules of the Arkansas Supreme Court and Court of Appeals, Smith's counsel has filed both a motion to withdraw on grounds that the appeal is without merit and an accompanying brief. Our clerk provided Smith with a copy of counsel's brief and motion, and Smith submitted no points for reversal.

Counsel's brief contains one ruling adverse to Smith and also addresses the sufficiency of the evidence to support the court's decision to revoke, which is considered an adverse



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ruling that must be addressed in a no-merit brief. *Brown v. State*, 85 Ark. App. 382, 155 S.W.3d 22 (2004). 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.<sup>1</sup> Accordingly, counsel's motion to withdraw is granted, and the conviction is affirmed.

Affirmed; motion to withdraw granted.

PITTMAN and WYNNE, JJ., agree.

*C. Brian Williams*, for appellant.

No response.

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<sup>1</sup>Counsel's motion to withdraw improperly cites Ark. Sup. Ct. R. 4-3(j). The appropriate subsection is now 4-3(k).