

ARKANSAS COURT OF APPEALS

DIVISION II
No. CR-13-445

TERRANCE D. HOLLINS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 20, 2013

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[No. CR-2012-290]

HONORABLE RALPH WILSON, JR.,
JUDGE

REBRIEFING ORDERED; MOTION
TO WITHDRAW DENIED

LARRY D. VAUGHT, Judge

On April 30, 2012, Terrance D. Hollins pled guilty in the Circuit Court of Crittenden County to Class B felony burglary, and he received a sentence of forty-eight months' supervised probation. A petition to revoke his suspension was filed on September 10, 2012, alleging failure to pay fines and costs; failure to pay probation fees; failure to notify the sheriff and probation of his current address and employment; possession of marijuana; and failure to provide probation with his residential address. At a revocation hearing on March 4, 2013, Hollins was found to have violated several conditions of his probation. He was sentenced to 120 months in the Arkansas Department of Correction, followed by 120 months' suspended imposition of sentence.

As allowed by Rule 4-3 of the Rules of the Arkansas Supreme Court and Court of Appeals, counsel has filed what is characterized as a no-merit appeal and a motion asking to be relieved as counsel. However, despite numerous reprimands from our court instructing counsel

to follow the requisite procedure in a no-merit appeal—because its “framework” ensures that defendants are afforded their constitutional rights—counsel has once again disregarded our clear instruction to do so. *Williams v. State*, 2013 Ark. App. 323. Accordingly, we order rebriefing in the present case because the brief that counsel has presented, particularly its argument portion, does not meet the requirements of Rule 4-3(k) or *Anders v. California*, 386 U.S. 738 (1967), for a no-merit appeal. Ark. Sup. Ct. R. 4-3(k) (2013).

We once again direct counsel to thoroughly familiarize himself with the requirements of Rule 4-3(k)(1) and how a no-merit argument is to be presented on appeal. Further, we emphasize that, at a minimum, counsel “should both acquaint himself with the framework found in *Anders* for no-merit criminal briefs and include the *Anders* citation in his brief.” *Soto v. State*, 2013 Ark. App. 619, at 2. Additionally, counsel shall cite and follow the appropriate standard of review relating to no-merit appeals.

Any appeals received from counsel that fail to strictly comply with this mandate regarding no-merit briefs will be uniformly returned for rebriefing and the accompanying motion to withdraw as counsel will be denied. Further, we inform counsel that his repeated refusal to comply with our mandates appears to be in direct violation of the Arkansas Rules of Professional Conduct (including Rule 1.1 requiring counsel to provide competent representation), which may be brought to the attention of the Committee on Professional Conduct upon complaint by any trial or appellate judge. *In re Amendment to Rules of Prof'l Conduct*, 299 Ark. 577, 773 S.W.2d 99 (1989). Based on the extraordinarily large quantum of nonconforming briefs that have been submitted by counsel (after specific instruction from our

court regarding how to perfect an acceptable submission), by virtue of this opinion we have reported counsel's continued insubordination and incompetence to the Committee.

Counsel's substituted brief, abstract, and addendum are due within fifteen days from the date of our decision. Ark. Sup. Ct. R. 4-2(b)(3) (2013). We express no opinion as to whether the new appeal should be made pursuant to Rule 4-3(k)(1) or should be on meritorious grounds. If a no-merit brief is filed, counsel's motion and brief will be forwarded by our clerk to appellant so that, within thirty days, he again will have the opportunity to raise any points he so chooses in accordance with Ark. Sup. Ct. R. 4-3(k)(2). In either instance, the State shall be afforded the opportunity to file a responsive brief.

Rebriefing ordered; motion to withdraw denied.

WYNNE and GLOVER, JJ., agree.

C. Brian Williams, for appellant.

No response.