

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-13-1094

MOSES A. KIMMONS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 15, 2015

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-2010-752]

HONORABLE JOHN N.
FOGLEMEN, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

RITA W. GRUBER, Judge

This revocation case comes before us for the second time. Counsel again has filed a no-merit brief, asserting that there are no arguable grounds for reversal and asking to be relieved as counsel. In *Kimmons v. State*, 2014 Ark. App. 713, we ordered rebriefing because counsel's brief did not comply with the requirements of Rule 4-3(k)(1) of the Rules of the Arkansas Supreme Court and Court of Appeals. The deficiencies in counsel's original brief have been corrected in the current brief.

A copy of counsel's brief and a letter notifying appellant, Moses A. Kimmons, of his right to file a list of pro se points for reversal were sent by certified mail to his last known address. The packet was returned with a notation that the address did not exist. Counsel has no additional contact information, and Kimmons has not filed points for reversal.

In June 2010, Kimmons pleaded guilty to felon in possession of a firearm and was

sentenced to three years' imprisonment in the Arkansas Department of Correction and three years' suspended imposition of sentence, subject to certain written conditions. The State subsequently filed a petition to revoke, alleging that Kimmons had violated various conditions of the suspended imposition of sentence. At the conclusion of the revocation hearing, the circuit court found that Kimmons by his own admission had violated terms and conditions by possessing marijuana. The court granted the petition to revoke and sentenced Kimmons to thirty-six months' imprisonment in the Arkansas Department of Correction.

The abstract and addendum in counsel's brief include all objections and motions decided adversely to appellant, and counsel explains in the argument portion of his brief why there is nothing in the record that would arguably support an appeal. From our review of the record and the brief presented to us, we find compliance with Rule 4-3(k) and find that there is no merit to an appeal. Accordingly, we affirm the order of revocation and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

VIRDEN and WHITEAKER, JJ., agree.

Gary J. Barrett, for appellant.

No response.