

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR10-497

ANTONIO M. OWENS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 12, 2011

APPEAL FROM THE DREW
COUNTY CIRCUIT COURT
[NO. CR-2002-9-3D]

HONORABLE ROBERT BYNUM
GIBSON, JR., JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

JOHN MAUZY PITTMAN, Judge

Appellant entered a negotiated plea of guilty in August 2002 to robbery, for which he was placed on supervised probation for a period of five years to be followed by an additional five-year period of suspended imposition of sentence. Appellant's release was made subject to various conditions, including that he not commit any criminal offense or possess or consume any controlled substance. After being found to have violated the conditions of his probation in both 2004 and 2005, appellant's probation was extended and continued. In 2009, the State filed yet another petition to revoke appellant's probation, alleging among other things that appellant had used marijuana on multiple recent occasions. After a hearing at which appellant's probation officer testified that appellant had tested positive for marijuana consumption at least thirteen times in the preceding two years, the trial court found that appellant had violated the

condition of his probation, revoked the probation, and sentenced appellant to ten years' imprisonment for the robbery to which he pleaded guilty in 2002. This appeal followed.

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, appellant's attorney has filed a motion to withdraw as counsel on the ground that the appeal is wholly without merit. The motion is accompanied by an abstract, brief, and addendum referring to everything in the record that might arguably support the appeal and including a statement of reasons why none of the rulings would be a meritorious ground for reversal. The clerk of this court furnished appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant did not file a statement.

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. Accordingly, counsel's motion to withdraw is granted, and the order of revocation is affirmed.

Affirmed; motion to withdraw granted.

GLADWIN and ABRAMSON, JJ., agree.