

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR10-631

BOBBY D. BROWN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered JANUARY 12, 2011

APPEAL FROM THE CLEBURNE
COUNTY CIRCUIT COURT
[NO. CR-09-47]

HONORABLE JOHN DAN KEMP, JR.,
JUDGE

REBRIEFING ORDERED; MOTION
DENIED

RITA W. GRUBER, Judge

Appellant Bobby Brown was tried by a jury, convicted of possession of methamphetamine, and sentenced as a habitual offender to 132 months' imprisonment in the Arkansas Department of Correction. His counsel has filed a motion to withdraw and a no-merit appeal pursuant to Arkansas Supreme Court Rule 4-3(k)(1) (2010) and *Anders v. California*, 386 U.S. 738 (1967). We deny the motion and order rebriefing because of omissions in counsel's no-merit brief.

When a no-merit brief fails to address an adverse ruling in the direct appeal of a criminal case, the requirements of Rule 4-3(k)(1) are not met and rebriefing is required. *Sartin v. State*, 2010 Ark. 16, 362 S.W.3d 877. Here, counsel addressed only the trial court's denial of his directed-verdict motion and the court's refusal to instruct the jury on an alternative sentence of probation; he did not address adverse rulings on the issue of mental competency.

Cite as 2011 Ark. App. 25

We order counsel to cure the deficiency by filing a substituted brief, abstract, and addendum within fifteen days from the date of this opinion. Ark. Sup. Ct. R. 4-2(b)(3) (2010). Counsel is free to file either a brief on the merits or another no-merit brief.

Rebriefing ordered; motion denied.

ROBBINS and BROWN, JJ., agree.