

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR10-830

JIMMY G. YOCUM

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered JANUARY 19, 2011

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT
[NO. CR2008-1286]

HONORABLE JAMES O. COX,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

RAYMOND R. ABRAMSON, Judge

Jimmy Yocum pleaded guilty to residential burglary in December 2008. He was sentenced to 36 months' imprisonment with an additional 120 months' suspended imposition of sentence. He was also ordered to pay restitution in the amount of \$300 at a rate of \$50 per month beginning 90 days after his release from prison. Yocum was released from prison in July 2009. In November 2009, the State filed a petition to revoke Yocum's SIS and/or to show cause. The petition alleged that Yocum violated the terms of his SIS by committing two new drug-related offenses (possession of methamphetamine with the intent to deliver and possession of drug paraphernalia) and by failing to pay restitution as ordered pursuant to the conditions of his SIS. After a hearing, the circuit court revoked Yocum's SIS and sentenced him to 144 months' imprisonment with an additional 60 months' SIS. Yocum's

counsel has filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967) and moves to withdraw. In response, Yocum did not file any *pro se* points for reversal. We affirm and grant counsel's motion.

Under Rule 4-3(k)(1) of the Rules of the Arkansas Supreme Court and Court of Appeals, a motion to be relieved as counsel based on counsel's belief that the appeal is wholly without merit must be accompanied by a brief. The brief's argument section must contain a list of each adverse ruling and explain why none provides a meritorious ground for reversal. Ark. Sup. Ct. R. 4-3(k)(1). The brief's abstract and addendum, in addition to covering all the material parts of the record, must also contain each adverse ruling. Ark. Sup. Ct. R. 4-3(k)(1). Appellant's counsel must follow the appropriate procedure in these cases as "[t]his framework is a method of ensuring that indigents are afforded their constitutional rights." *Caldwell v. State*, 2009 Ark. App. 526, at 2, 334 S.W.3d 82, 83.

Here, Yocum's counsel's abstract, addendum, and brief comply with the applicable rules. We agree with Yocum's counsel's conclusion: there are no potentially meritorious issues on appeal and, thus, an appeal on the merits would be wholly frivolous. We therefore grant Yocum's counsel's motion to withdraw and affirm Yocum's conviction.

Affirmed; motion to withdraw granted.

PITTMAN and GLADWIN, JJ., agree.