

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR09-1088

BOBBY RAY HATTON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered February 2, 2011

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FOURTH DIVISION [NOS. CR-2008-
3621; CR-2004-2016; CR-2007-267]

HONORABLE HERBERT THOMAS
WRIGHT, JR., JUDGE

MOTION TO WITHDRAW DENIED
WITHOUT PREJUDICE;
REBRIEFING ORDERED

JOHN MAUZY PITTMAN, Judge

Appellant's attorney has filed a motion to withdraw as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(k), asserting that there are no meritorious grounds for reversal. We deny the motion without prejudice.

Appellant was convicted in Pulaski County case number CR-08-3621 of first-degree terroristic threatening and second-degree domestic battery in the presence of a child. Immediately after his trial for those offenses, a hearing was held on the State's petitions to revoke two of appellant's probations, case numbers CR-04-2016 and CR-07-267. The trial court found that appellant violated the conditions of his probations by committing the offenses of which appellant had been convicted in CR-08-3621, and revoked both probations.

Separate notices of appeal were filed in all three of the aforementioned trial court case numbers, which were consolidated for appeal under our case number CACR09-1088. That is the appellate case from which appellant's counsel seeks to withdraw.

Rule 4-3(k) requires that an attorney's motion to withdraw on appeal asserting that an appeal would be frivolous must be accompanied by an abstract, brief, and addendum referring to everything in the record that might arguably support the appeal, including all motions, objections, and requests decided adversely to appellant and a statement of reasons why none of those rulings would be a meritorious ground for reversal. Appellant's attorney has done so with respect to appellant's convictions in CR-08-3621. However, he has failed to comply with these requirements with respect to the probation revocations in case numbers CR-04-2016 and CR-07-267. Consequently, we deny the motion to withdraw at this time.

Motion to withdraw denied without prejudice; rebriefing ordered.

GLADWIN and ABRAMSON, JJ., agree.