ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR09-163

DAVID CARTER		**Opinion Delivered** JUNE 2, 2010
	APPELLANT	
V.		APPEAL FROM THE CRITTENDEN COUNTY CIRCUIT COURT [NO. CR-04-867]
STATE OF ARKANSAS		HONORABLE JOHN N. FOGLEMAN, JUDGE,
	APPELLEE	
		AFFIRMED; MOTION GRANTED

KAREN R. BAKER, Judge

On September 12, 2005, appellant pled guilty to possession of a controlled substance, a Class Y felony, and was originally sentenced to ten years in the Department of Correction and ten years of suspended imposition of sentence. On April 22, 2008, the State of Arkansas filed a petition to revoke the suspended imposition of sentence alleging various violations of his conditions, including rape. After a hearing on the State's petition, the trial court found that appellant had violated the terms and conditions of his probation, revoked his suspension, and sentenced him to ten years' imprisonment in the Arkansas Department of Correction.

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 counsel has filed a motion

to withdraw on grounds that the appeal is without merit. The motion is accompanied by counsel's brief in which counsel explains why there is nothing in the record that would arguably support an appeal.

The clerk of this court provided appellant with a copy of his counsel's brief and notified him of his right to file a pro se list of points on appeal within thirty days. Appellant requested additional time in which to file pro se points, and this court granted an extension; however, appellant did not file a list of pro se points on appeal.

From our review of the record and the briefs presented to us, we find compliance with Rule 4–3(k) and hold that the appeal is wholly without merit. Accordingly, we grant counsel's motion to withdraw and affirm the revocation of appellant's suspended imposition of sentence.

Affirmed; motion to be relieved granted.

KINARD and BROWN, JJ., agree.