

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR09-1031

KHAYAM THOMAS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 30, 2010

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. CR2008-2138]

HONORABLE WILLARD PROCTOR
JR., JUDGE

MOTION TO WITHDRAW DENIED;
REBRIEFING ORDERED

JOSEPHINE LINKER HART, Judge

Khayam Thomas was found guilty in a Pulaski County Circuit Court bench trial of breaking or entering and felony and misdemeanor counts of theft of property. A motion to suppress his identification was tried simultaneously during the guilt phase of his trial. He received thirty-six months' supervised probation.

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, Thomas's counsel has filed a motion to withdraw on grounds that the appeal is without merit. The clerk of this court furnished appellant with a copy of his counsel's brief and notified him of his right to file pro se points for reversal within thirty days. Thomas did not avail himself of this opportunity.

The motion submitted by Thomas's counsel was accompanied by an abstract and brief

Cite as 2010 Ark. App. 538

purportedly referring to everything in the record that might arguably support an appeal. This brief is deficient. The argument section is incomplete in that it does not address the sufficiency of the evidence supporting his conviction, an adverse ruling that was preserved by a timely motion to dismiss at the close of all the evidence. *See* Ark. R. Crim. P. 33.1(b).

An *Anders* brief must contain a list of all adverse rulings and the argument section of the brief must contain an explanation of why each adverse ruling is not a meritorious ground for reversal. *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001). If counsel fails to address all possible grounds for reversal, this court will deny the motion to withdraw and order re-briefing. *Sweeney v. State*, 69 Ark. App. 7, 9 S.W.3d 529 (2000).

Motion to withdraw as counsel denied.

Rebriefing ordered.

GLOVER and HENRY, JJ., agree.