

## ARKANSAS COURT OF APPEALS

DIVISION IV

No. CACR09-1031

KHAYAM THOMAS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** September 29, 2010

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

HONORABLE WILLARD  
PROCTOR, JR., JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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### JOSEPHINE LINKER HART, Judge

This no-merit appeal is once more before us after we ordered rebriefing so that Thomas's counsel could address an adverse ruling that he had failed to discuss in his first brief. As noted in our previous opinion, 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.

Once again, 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

attempted to furnish appellant with a copy of his counsel's brief and notify him of his right to file pro se points for reversal within thirty days. Thomas could not be located.

The motion submitted by Thomas's counsel was accompanied by an abstract and brief referring to everything in the record that might arguably support an appeal. We are satisfied that the supplemented argument section now contains an adequate discussion of the sufficiency of the evidence supporting Thomas's conviction.

After a careful review of the record and counsel's brief, we find compliance with Rule 4-3(k) and conclude that the appeal is wholly without merit. Accordingly, we grant counsel's motion to be relieved and affirm appellant's conviction.

Affirmed; motion to withdraw as counsel granted.

VAUGHT, C.J., and PITTMAN, J., agree.