

**ARKANSAS COURT OF APPEALS**

DIVISION I  
No. CACR10-494

TILTON DALE HILL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** APRIL 6, 2011

APPEAL FROM THE ASHLEY  
COUNTY CIRCUIT COURT  
[NO. CR-2009-158-4]

HONORABLE DON GLOVER,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**ROBERT J. GLADWIN, Judge**

Appellant Tilton Dale Hill was charged with the offenses of first-degree battery and impairment of a vital public facility as a result of a physical altercation that occurred on October 1, 2009, between Hill and Eric McCaughan, a jailer at the Ashley County Detention Facility where Hill was incarcerated. As a result of plea negotiations, the State agreed to nol pross the impairment-of-a-vital-public-facility charge in exchange for a guilty plea on the first-degree-battery charge. The issue of sentencing was submitted to the jury, and Hill was sentenced to ten years in the Arkansas Department of Correction.

Pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed.2d 493 (1967), and Rule 4-3(k) (2010) of the Rules of the Arkansas Supreme Court and Court of Appeals, Hill's counsel has filed a motion to withdraw on the grounds that the appeal is without merit.

Counsel's motion was accompanied by a brief referring to everything in the record that might arguably support an appeal, including a list of all rulings adverse to Hill made by the trial court on all objections, motions, and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal.

The clerk of this court furnished Hill with a copy of his counsel's brief and notified him of his right to file pro se points. Hill filed such a statement, solely asserting ineffective assistance of counsel. A claim of ineffective assistance of counsel is appropriate on direct appeal only when it is raised before the trial court and the facts and circumstances surrounding the claim have been fully developed at the trial level. *Rounsaville v. State*, 374 Ark. 356, 288 S.W.3d 213 (2008). No claim of ineffective assistance was raised below; accordingly, this issue does not present a meritorious point for appeal. The State filed a brief in which it concurs that there is no merit to the appeal.

From our review of the record and the briefs presented to us, we find compliance with Rule 4-3(k) and that the appeal is without merit. Accordingly, counsel's motion to withdraw is granted, and the sentence is affirmed.

Affirmed; motion to withdraw granted.

WYNNE and GLOVER, JJ., agree.