

ARKANSAS COURT OF APPEALS

DIVISION II

No. CACR10-48

ROBERT WILLIAM FISCHER, JR.
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered April 13, 2011

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. CR-2008-1542-1]

HONORABLE ROBIN FROMAN
GREEN, JUDGE

MOTION TO WITHDRAW DENIED;
REBRIEFING ORDERED

JOHN MAUZY PITTMAN, Judge

Appellant was convicted of six counts of possessing child pornography and sentenced to imprisonment for a term of sixty years. 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 the ground that this appeal is wholly without merit. Rule 4-3(k)(1) requires this motion to be accompanied by a brief which contains an argument section that lists all rulings adverse to the appellant made by the trial court with an explanation as to why each adverse ruling is not a meritorious ground for reversal. We deny the motion at this time and order rebriefing because counsel has not fulfilled his obligations under the rule.

Counsel for appellant stated that there were two rulings adverse to appellant: the ruling that appellant knowingly and intelligently waived his *Miranda* rights despite his state of

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intoxication, and the admission of appellant's prior convictions under the pedophile exception to Ark. R. Evid. 404(b). However, although counsel noted in his abstract that motions for a directed verdict were made, renewed, and denied, he does not discuss those adverse rulings or the sufficiency of the evidence. Because every adverse ruling must be abstracted and briefed in no-merit appeals to satisfy the requirements of Rule 4-3(k)(1), *see Sartin v. State*, 2010 Ark. 16, we order counsel to file a substituted abstract, brief, and addendum that complies with the rule within thirty days from the date of this opinion.

Motion to withdraw denied; rebriefing ordered.

ABRAMSON and MARTIN, JJ., agree.