

Cite as 2020 Ark. App. 177  
**ARKANSAS COURT OF APPEALS**  
DIVISION II  
No. CR-19-717

RODNEY DAIN DOSTER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: March 18, 2020

APPEAL FROM THE UNION COUNTY  
CIRCUIT COURT  
[NO. 70CR-17-427]

HONORABLE HAMILTON H.  
SINGLETON, JUDGE

REBRIEFING ORDERED

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**RITA W. GRUBER, Chief Judge**

A Union County jury convicted appellant Rodney Dain Doster of delivery of methamphetamine or cocaine (more than two grams, less than ten grams), delivery of methamphetamine or cocaine (less than two grams), and maintaining a drug premises. The jury sentenced appellant to five years' imprisonment on the larger delivery conviction, a \$2,000 fine on the smaller delivery conviction, and five years' imprisonment on the drug-premises conviction. In addition, the jury found appellant guilty of committing both delivery offenses within the proximity of a church and gave him mandatory ten-year enhancements on each. The circuit court ordered that the sentences were to run consecutively. On appeal, appellant's counsel submits what he refers to as "an unconventional hybrid *Anders* brief," claiming to set out the adverse rulings alleged to have

no merit, as well as “a sentencing discretion issue . . . worth briefing.” The sentencing issue is whether the circuit court failed to show that it exercised discretion when it ordered the sentences to run consecutively. We order rebriefing.

Our court rules do not contemplate the type of brief filed by appellant’s counsel. Arkansas Supreme Court Rule 4-3(k) sets out specific requirements of a no-merit appeal, including that counsel file a motion to withdraw. On rebriefing, counsel may elect to submit a brief in adversary form or a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k). If counsel chooses to file a no-merit brief, he is encouraged to review *Anders* and Rule 4-3(k) for the requirements of a no-merit brief.

Rebriefing ordered.

HARRISON and WHITEAKER, JJ., agree.

*John Wesley Hall and Sarah M. Pourhosseini*, for appellant.

*Leslie Rutledge*, Att’y Gen., by: *Karen Virginia Wallace*, Ass’t Att’y Gen., for appellee.