

Burt BEAVERS v. STATE of Arkansas

CR 79-159

589 S.W. 2d 573

Opinion delivered November 19, 1979
(In Banc)

APPEAL & ERROR — NO-MERIT APPEAL — AFFIRMANCE. — A no-merit appeal was taken from a verdict and judgment sentencing defendant, as an habitual offender, to two consecutive 50-year sentences for aggravated robbery and kidnaping. *Held*: The Supreme Court has studied the case and agrees that it should be affirmed for want of merit.

Appeal from Jefferson Circuit Court, First Division,
Randall L. Williams, Judge; affirmed.

James O. Fels, for appellant.

Steve Clark, Atty. Gen., by: *Dennis R. Molock*, Asst.
Atty. Gen., for appellee.

GEORGE ROSE SMITH, Justice. This is a no-merit appeal from a verdict and judgment sentencing Beavers, as an habitual offender, to two consecutive 50-year sentences for aggravated robbery and kidnaping. Counsel for the appellant and the Attorney General for the State find no merit in the appeal. Beavers has not availed himself of the opportunity to file a pro se brief. We have studied the case and agree that it should be affirmed for want of merit. We point out, however, two defects in the appellant's abstract and brief. First, the testimony has been copied verbatim instead of being abstracted, as required by Rule 9. *Smith v. Pond*, 259 Ark. 564, 534 S.W. 2d 769 (1976); *Gray v. Ouachita Creek Watershed Dist.*, 239 Ark. 141, 387 S.W. 2d 605 (1965). Second, counsel has not presented the arguable points for reversal, as required by *Anders v. California*, 386 U.S. 738 (1967). Counsel merely states, as a conclusion, that in his opinion there is nothing in the record that would arguably support an appeal. The State, however, has supplied the deficiencies.

Affirmed.

HARRIS, C.J., not participating.