

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-14-129

RENE GARCIA

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 18, 2015

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. CR-12-1865-1]

HONORABLE WILLIAM A. STOREY,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

WAYMOND M. BROWN, Judge

A Washington County jury found appellant Rene Garcia guilty of two counts of rape of a girl who was thirteen years old at the time of the offenses. He was sentenced to a total of seventy years' imprisonment; however, twenty years were suspended. Appellant's counsel has filed a motion to withdraw and a no-merit brief pursuant to *Anders v. California*¹ and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals. The clerk of this court provided appellant with a copy of counsel's brief and motion, and notified appellant of his right to file pro se points for reversal. Appellant has filed pro se points for reversal, and the State has filed a response. We affirm appellant's convictions and grant counsel's motion to withdraw.

¹386 U.S. 738 (1967).

A request to be relieved as counsel on the ground that the appeal is wholly without merit shall be accompanied by a brief including an abstract and addendum.² The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the trial court with an explanation as to why each adverse ruling is not a meritorious ground for reversal.³ It is imperative that counsel follow the appropriate procedure when filing a motion to withdraw as counsel.⁴ In furtherance of the goal of protecting constitutional rights, it is both the duty of counsel and of this court to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous.⁵

From our review of the record, the brief presented to us, and appellant's pro se points for reversal, we hold that counsel has complied with Rule 4-3(k)(1) and agree that there is no merit to an appeal. Therefore, we affirm, by memorandum opinion, appellant's convictions.⁶ We also grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

GLOVER and WHITEAKER, JJ., agree.

Joseph C. Self, for appellant.

Leslie Rutledge, Att'y Gen., by: *Evelyn D. Gomez*, Ass't Att'y Gen., for appellee.

²Ark. Sup. Ct. R. 4-3(k)(1).

³*Id.*

⁴*Brown v. State*, 85 Ark. App. 382, 155 S.W.3d 22 (2004).

⁵*Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001).

⁶*See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).