

Cite as 2018 Ark. App. 23
ARKANSAS COURT OF APPEALS
DIVISION II
No. CR-17-527

ADAM LEE FURO

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

OPINION DELIVERED: JANUARY 24, 2018

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. 26CR-16-123]

HONORABLE MARCIA R.
HEARNSBERGER, JUDGE

AFFIRMED; MOTION TO WITHDRAW
GRANTED

ROBERT J. GLADWIN, Judge

This no-merit appeal is from appellant Adam Furo’s conviction in the Garland County Circuit Court on the charge of domestic battery in the second degree for which he was sentenced to fifteen years in the Arkansas Department of Correction (ADC). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) (2017) of the Rules of the Arkansas Supreme Court and Court of Appeals, Furo’s counsel has filed a motion to withdraw on the basis that the appeal is wholly 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 Furo made by the circuit 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

Furo with a copy of his counsel's brief and notified him of his right to file pro se points; Furo did not file any points.

A request to withdraw on the ground that the appeal is wholly without merit shall be accompanied by a brief including an abstract and addendum. Ark. Sup. Ct. R. 4-3(k)(1). The brief shall contain an argument section that consists of a list of all rulings adverse to the defendant made by the circuit 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. *Id.*; see also *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001). This framework ensures that indigents are afforded their constitutional rights. *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001). In furtherance of the goal of protecting these constitutional rights, it is the duty of both counsel and this court to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *See id.*

I. Facts

On March 4, 2016, Furo was charged with domestic battery in the first degree, a Class B felony, based on the allegation that on December 11, 2015, he did knowingly cause serious physical injury to a family or household member, specifically his mother, Sharon Kay Furo, whom he knew to be sixty years of age or older. He was tried by a jury on January 23, 2017, and the jury found him guilty of domestic battery in the second degree. The circuitcourt sentenced him, pursuant to the jury's recommendation, as a habitual offender,

to fifteen years in the ADC pursuant to a first amended sentencing order entered on January 30, 2017. Furo filed a timely notice of appeal on January 31, 2017.

II. *Discussion of Adverse Rulings*

In compliance with the directive in *Anders, supra*, and Rule 4-3(k)(1), counsel for Furo has thoroughly examined the circuit court record of this proceeding but found no error that would support an appeal. As required by Rule 4-3(k), the reasons the adverse rulings provide no meritorious grounds for appeal are discussed in his brief. Counsel indicates that there were six unfavorable rulings for Furo: (1) the circuit court's failure to make the required inquiry by the judicial officer into the relevant facts which might affect bail; (2) the circuit court's finding that there is no speedy-trial issue; (3) the circuit court's grant of use and derivative-use immunity to compel a State witness to testify; (4) the circuit court's denial of appellant's motion for directed verdict; (5) the circuit court's allowing the State to call a nonvictim to give bad-character evidence against Furo during sentencing; and (6) the circuit court's precluding the victim from testifying about her perception that the State lied to her multiple times during the pendency of the case.

Based on our review of the record and the brief presented, we conclude that there has been compliance with Rule 4-3(k)(1), there are no nonfrivolous issues that support an appeal in this case, and this appeal is without merit. Consequently, appellant's counsel's motion to be relieved is granted, and the judgment is affirmed.

Affirmed; motion to withdraw granted.

VAUGHT and MURPHY, JJ., agree.

Kezhaya Law Firm, by: *Matthew A. Kezhaya*, for appellant.

One brief only.