

Cite as 2019 Ark. App. 1
ARKANSAS COURT OF APPEALS
DIVISION III
No. CR-17-1056

KEVIN LAMONT STUCKEY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered: January 16, 2019

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT
[NO. 66FCR-17-946]

HONORABLE STEPHEN TABOR,
JUDGE

AFFIRMED; MOTION TO WITHDRAW
GRANTED

RITA W. GRUBER, Chief Judge

A jury found Kevin Stuckey guilty of being a felon in possession of a firearm, and the Sebastian County Circuit Court sentenced him to six years in the Arkansas Department of Correction pursuant to the jury's recommendation. Pursuant to Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals and *Anders v. California*, 386 U.S. 738 (1967), his attorney has filed a motion to withdraw stating that there is no merit to an appeal. The motion is accompanied by an abstract and addendum of the proceedings below and a brief in which counsel explains why there is nothing in the record that would support an appeal. The clerk of this court served appellant with a copy of counsel's brief and notified him of his right to file a pro se statement of points for reversal

within thirty days; appellant has not filed a statement. We affirm the conviction and grant counsel's motion to withdraw.

Counsel has briefed the only adverse ruling, the sufficiency of the evidence. In a pretrial hearing held immediately before the trial, the parties stipulated that appellant had previously been convicted of a violent felony. During opening argument, appellant's counsel admitted that appellant was in possession of a gun, stated that the case was going to be about sentencing, and requested the jury to consider information about appellant's personal life for sentencing. At trial, the State produced four witnesses from the Fort Smith Police Department. Their testimony provided that a car in which appellant was a passenger was legally stopped, a handgun was observed under the passenger seat during the stop, and appellant admitted to officers that the gun was his. The defense presented no witnesses. The jury found appellant guilty of being a felon in possession of a firearm and recommended a sentence of six years from a range of between five and forty years.

From our review of the record and the brief presented to us, we hold that counsel has complied with Rule 4-3(k) and that there is no merit to an appeal. Accordingly, we affirm appellant's conviction and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

KLAPPENBACH and VAUGHT, JJ., agree.

King Law Group, PLLC, by: *Natalie S. King*, for appellant.

One brief only.