

Cite as 2023 Ark. App. 5
ARKANSAS COURT OF APPEALS
DIVISION IV
No. CR-22-457

LORENZO VALENTINO
MCCULLOUGH

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 18, 2023

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NOS. 72CR-17-1616, 72CR-18-2173,
72CR-19-140,
72CR-19-1291]

HONORABLE MARK LINDSAY, JUDGE

MOTION TO WITHDRAW DENIED;
REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD;
REBRIEFING ORDERED

BART F. VIRDEN, Judge

Lorenzo Valentino McCullough appeals from an order revoking his probation and sentencing him to 305 months in the Arkansas Department of Correction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k), appellant's attorney has filed a motion to be relieved as counsel, stating that there is no merit to the appeal. Counsel asserts that there is nothing in the record that would support an appeal. The clerk of this court served appellant with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Appellant has filed no statement.

We must deny the motion at this time because the record is incomplete and does not comply with the requirements for no-merit cases. In a criminal appeal presented in no-merit

format, the appellate court must decide, after a full examination of all the proceedings, whether the case is wholly frivolous. *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001). A full examination is not possible without the complete record. *Id.* The record must include true and legible photocopies of the order from which the appeal is taken along with any other relevant pleadings, documents, or exhibits essential to an understanding of the case and the court's jurisdiction on appeal. Ark. Sup. Ct. R. 4-2(a)(8); *Teague v. State*, 2010 Ark. App. 34.

Here, although counsel designated the entire record for appeal, the circuit clerk's portion of the record furnished to us does not contain the original information, a document essential to conducting a full examination of all the proceedings and deciding whether an appeal would be wholly frivolous. *Hurte v. State*, 2020 Ark. App. 7, at 2.

Under these circumstances, we remand the case to the circuit court for the record to be settled. *Id.* Counsel shall file a supplemental record within thirty days of this order and a substituted brief within fifteen days thereafter.

We emphasize that the list of deficiencies in the record and brief mentioned here is not exhaustive. We encourage counsel to carefully review our rules and ensure that there are no other deficiencies in the record or brief.

Motion to withdraw denied; remanded to settle and supplement the record; rebriefing ordered.

ABRAMSON and KLAPPENBACH, JJ., agree.

Eric Moore, for appellant.

One brief only.