

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
SARAH J. HEFFLEY, JUDGE

DIVISION IV

CACR 07-1216

June 25, 2008

ROBERT L. BROWN

APPELLANT

APPEAL FROM THE CIRCUIT COURT
OF CRITTENDEN COUNTY
[NO. CR-89-210]

V.

HONORABLE DAVID BURNETT,
JUDGE

STATE OF ARKANSAS

APPELLEE

REBRIEFING ORDERED

In January 1990, appellant Robert L. Brown pled guilty to the offense of burglary, for which the trial court suspended imposition of sentence for twenty years. In June 2007, the State filed a petition to revoke, alleging that appellant had violated the terms of the suspended imposition of sentence by delivering cocaine on March 27, 2006. After a hearing, the trial court granted the petition to revoke and sentenced appellant to ten years in prison.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, appellant's counsel has filed a motion to withdraw on the ground that this appeal is wholly without merit. Rule 4-3(j)(1) requires this motion to be accompanied by a brief which contains an argument section that lists all rulings adverse to the appellant made by the circuit court with an explanation as to why each adverse ruling is not a meritorious ground for reversal. We order rebriefing because counsel has not fulfilled his obligations under the rule.

The only issue discussed by counsel in the argument section of his brief is the sufficiency of the evidence supporting the revocation decision. The abstract and the record also reflect two objections made by appellant that were overruled by the trial court. Appellant objected to an officer identifying appellant as the person who sold the cocaine, and appellant objected to the introduction of the lab results showing that the substance delivered was cocaine. Counsel, however, has failed to explain why these adverse rulings would not support an appeal. We cannot grant counsel's motion to be relieved or affirm appellant's conviction without any discussion as to why a particular ruling made by the trial court should not be a meritorious ground for reversal. *Brady v. State*, 346 Ark. 298, 57 S.W.3d 691 (2001). Therefore, counsel is ordered to file a substituted brief that complies with the rule within thirty days from the date of this opinion. When the brief is filed, the motion and brief will be forwarded by the Clerk to appellant so that he may raise within thirty days any points he chooses in accordance with Ark. Sup. Ct. R. 4-3(j)(2).

Rebriefing ordered.

HART and BAKER, JJ., agree.