

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION I

CACR07-467

June 25, 2008

MACK LEONARD EASON

APPELLANT

APPEAL FROM CRITTENDEN
COUNTY CIRCUIT COURT [NO.
CR-2006-438]

V.

HON. RALPH WILSON, JR.,
JUDGE

STATE OF ARKANSAS

APPELLEE

MOTION TO WITHDRAW DENIED;
REBRIEFING ORDERED

This is an appeal from an order revoking appellant's probation and sentencing him to thirty years' imprisonment. Appellant's attorney has filed a motion to be relieved as counsel on the grounds that the appeal is without merit. We deny the motion.

We permit an attorney to withdraw as counsel for a defendant in a criminal case on the basis that an appeal is without merit where the attorney has complied with the requirements set by *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(j) and, after conducting a thorough examination of the full record of the proceedings, we decide that the case is wholly frivolous. See *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001).

Here, appellant's attorney has complied with the requirements of *Anders v. California* and Rule 4-3(j), but, upon examination of the record, we cannot say that an argument going to the sufficiency of the evidence would be wholly frivolous. Consequently, we deny

counsel's motion to withdraw, direct counsel to submit a brief that contains an adversary presentation of the sufficiency issue and any others that he sees fit to argue, and direct our clerk to establish a new briefing schedule. *See Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994).

Motion to withdraw denied; rebriefing ordered.

HART and GLADWIN, JJ., agree.