

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
LARRY D. VAUGHT, JUDGE

DIVISION III

CACR08-235

June 25, 2008

JAMES O. FRYE

APPELLANT

APPEAL FROM THE DREW
COUNTY CIRCUIT COURT
[No. CR-2007-0057-3B]

V.

STATE OF ARKANSAS

APPELLEE

HON. ROBERT BYNUM GIBSON,
JR., JUDGE

AFFIRMED; MOTION GRANTED

Appellant James Frye was convicted by a Drew County jury of aggravated assault and being a felon in possession of a firearm. He was sentenced to twelve months' imprisonment for the aggravated-assault conviction and sixty months' imprisonment for the felon-in-possession conviction, to run concurrently.

The trial testimony established that on March 13, 2007, Frye and Dirk Parham drove to the home of Sam Durden. Durden and others were outside the home. An argument or scuffle ensued between Durden and Parham, at which time Frye exited the vehicle, wielding a gun. Frye shot the gun in the air and pointed it in the face of Durden's sister.

Frye's counsel has filed a motion to withdraw, pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(j) of the Rules of Arkansas Supreme Court and Court of Appeals, alleging that an appeal of Frye's convictions is wholly without merit. The motion

is accompanied by an abstract of the proceedings below and a brief in which counsel purportedly explains why there is nothing in the record that would support an appeal. The clerk of this court provided Frye with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal. Frye has filed no pro se points for reversal. We grant counsel's motion to withdraw and affirm Frye's convictions.

An attorney's request to withdraw from appellate representation based upon a meritless appeal must be accompanied by a brief that contains a list of all rulings adverse to his client on any objection, motion, or request made by either party. *Eads v. State*, 74 Ark. App. 363, 47 S.W.3d 918 (2001). The argument section of the brief must contain an explanation of why each adverse ruling is not a meritorious ground for reversal. *Id.* We are bound to perform a full examination of the proceedings as a whole to decide if an appeal would be wholly frivolous. *Anders*, 386 U.S. at 744; *Campbell v. State*, 74 Ark. App. 277, 47 S.W.3d 915 (2001). If counsel fails to address all possible grounds for reversal, we can deny the motion to withdraw and order rebriefing. *Sweeney v. State*, 69 Ark. App. 7, 9 S.W.3d 529 (2000).

Frye's counsel asserts that there are no non-frivolous issues of law or fact that would support reversal of Frye's convictions. Our review of the record confirms that Frye's counsel has abstracted and discussed all adverse rulings. Further, we agree with Frye's counsel that there would be no merit to an appeal on any of these issues. Therefore, we find compliance with Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, and pursuant to the *Anders* procedural blueprint, we find no basis for reversal. Accordingly, we grant counsel's request to withdraw as Frye's attorney and affirm the convictions.

Affirmed; motion to be relieved as counsel is granted.

ROBBINS and GRIFFEN, JJ., agree.