

ARKANSAS COURT OF APPEALSDIVISION III
No. CACR11-549JOHNNY EUGENE KELLEY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered June 27, 2012

APPEAL FROM THE HEMPSTEAD
COUNTY CIRCUIT COURT
[NO. CR2008-421-1]HONORABLE RANDY WRIGHT,
JUDGE

AFFIRMED; MOTION GRANTED

RAYMOND R. ABRAMSON, Judge

Appellant Johnny Kelley was found guilty of three counts of rape for engaging in sexual intercourse or deviate sexual activity with a person less than fourteen years of age, Ark. Code Ann. § 5-14-103(a)(3) (Repl. 2006), and he was sentenced to forty years in the Arkansas Department of Correction. Kelley's counsel has filed a no-merit brief pursuant to *Anders v. California*, 366 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2011), along with a motion to be relieved as counsel. Kelley has not filed pro se points for reversal.

Counsel has provided explanations as to why adverse rulings on the following do not provide any non-frivolous ground for reversal: the defense's two motions for mistrial; the prosecution's motion in limine; three evidentiary objections by the defense; two sustained evidentiary objections by the prosecution; and the defense's motion for directed verdict (sufficiency of the evidence). Our review of the record and the brief presented to this court

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reveals that Kelley's counsel has complied with the requirements of Rule 4-3(k). We agree that an appeal in this case would be wholly without merit. The convictions are affirmed, and counsel's motion to be relieved is granted.

Affirmed; motion granted.

VAUGHT, C.J., and ROBBINS, J., agree.