Cite as 2010 Ark. 436

SUPREME COURT OF ARKANSAS

No. 08-433

KARON D. TROTTER, JR.
Appellant

v.

STATE OF ARKANSAS
Appellees

Opinion Delivered November 11, 2010

APPEAL FROM CIRCUIT COURT OF DREW COUNTY, CV-2005-56, HON. DON E. GLOVER, JUDGE

AFFIRMED.

PER CURIAM

Karon D. Trotter, Jr., appeals from the circuit court's closing of a forfeiture action instituted by the State of Arkansas against currency seized from appellant or his bank accounts. While appellant raises myriad arguments and allegations, he does not establish that the trial court's decision to close the case was in error, and we therefore affirm.

In 2005, appellant was arrested for felony violations of the Uniform Controlled Substances Act, codified at Arkansas Code Annotated §§ 5-64-101 to -1303 (Repl. 2005). Incident to that arrest, currency in the amount of $30,130 was seized from appellant or his accounts with Commercial Bank and Trust Company of Monticello. Following a criminal trial, appellant was convicted and, in addition to a term of years in the Arkansas Department of Correction, the trial court imposed fines and costs in the amount of $1,350.

Subsequently, the State brought a forfeiture action pursuant to Arkansas Code Annotated § 5-64-505 against the seized currency. A hearing was held, and, on April 13, 2007, the circuit court ordered the forfeiture of a total of $2,930 and the return of any remaining funds to

appellant. No money was immediately returned to appellant, and he filed in the circuit court a "Motion for Order to Return Remaining Balance of Accounts to the Claimant."

In response to appellant's motion, the circuit court reviewed the file and found that, in addition to the $2,930 ordered forfeited by the circuit court's April 13, 2007 order, disbursements had been made from appellant's accounts in satisfaction of the $1,350 levied by the trial court in appellant's criminal case and in the amount of $19,077 pursuant to a writ of garnishment imposed by the Office of Child Support Enforcement against appellant for payment of child support arrearage.[1] The circuit court noted these payments in its order dated October 1, 2007, which also reiterated that any remaining funds seized from appellant should be returned to him or his authorized designee.

Appellant then filed a series of motions, including a motion to set aside the October 1, 2007 order; a challenge to the circuit court's jurisdiction; a motion to modify or amend the order pursuant to Arkansas Rule of Civil Procedure 60(b) (2010); and a petition for writ of mandamus, filed in this court, challenging the circuit court's jurisdiction and citing other errors in the circuit court's order, which we denied. *Trotter v. Glover*, 07-975, (Ark. Nov. 8, 2007) (unpublished per curiam).[2] The record does not contain rulings on any of appellant's motions filed in the circuit court. However, the circuit court ordered Commercial Bank and Trust Company of Monticello

[1] According to the circuit court's order in the instant case, this writ of garnishment was granted in case number E-90-114-1 on or about May 7, 2007.

[2]We also denied appellant's subsequent motion to reinstate his mandamus action. *Trotter v. Glover*, 07-975, (Ark. Dec. 13, 2007) (unpublished per curiam).

to provide an accounting of all payments made from appellant's accounts, and, after reviewing the results of that accounting and finding that it comported with the information contained in the court's files, the circuit court entered an order closing the case on February 5, 2008. Appellant's instant appeal is taken from that order.

Appellant alleges several errors on the part of the trial court, the State, and the Office of Child Support Enforcement. The gravamen of his claim is that the circuit court erred in closing the forfeiture action once it became aware of the payment made to satisfy the garnishment. Appellant contends that, because the circuit court had ordered the remaining funds to be returned to appellant, the garnishment was improper, and the circuit court should have left the forfeiture action open until that money was returned to appellant. Additionally, appellant contends that the statute of limitations for imposing a garnishment for unpaid child support had run, that the prosecuting attorney ignored the circuit court's initial order with the intent to defraud appellant, that the prosecutor should not have sought a garnishment for child support in a criminal case, and that appellant's personal property was taken from him by the Office of Child Support Enforcement without due process of law and in violation of the United States Constitution. None of these arguments, however, establishes that the circuit court's decision to close the forfeiture case was in error.

Though his brief is somewhat difficult to follow, appellant's arguments all seem to center on his incorrect beliefs that (1) the $19,077 paid in satisfaction of back child support was "supported" by the circuit court in the October 1, 2007 order and (2) that the circuit court had the duty and the power to order the garnished funds returned to appellant. Appellant's beliefs

are simply incorrect; the circuit court's order merely summarized the accounting provided by Commercial Bank and Trust, which detailed payments made pursuant to judgments in three separate legal proceedings. The judgment that appellant was in arrears on his child-support payments and the garnishment levied against appellant's bank accounts in satisfaction of that arrearage were made by a different court in a different matter, and that garnishment was not dependent upon whether the October 1, 2007 order referenced or "supported" it.

To warrant reversal, appellant must demonstrate how the decision to close the forfeiture case was in error despite the fact that the forfeiture ordered had been paid and the payments made by the bank from appellant's accounts matched the payments shown in the circuit court's files. The only argument made by appellant that would arguably address this issue is his claim that, because the circuit court had previously ordered all remaining funds be returned to appellant, once the court learned of the garnishment, it was required to keep the forfeiture action open until the $19,077 was returned to appellant.

Appellant's argument, however, is conclusory, and he cites no relevant authority in support of his position. It is well settled that we will not consider an issue if the appellant has failed to cite to any convincing legal authority in support of his argument. *Barker v. State*, 2010 Ark. 354, ___ S.W.3d ___ (per curiam) (citing *Williams v. State*, 2009 Ark. 433, __ S.W.3d __). We have further held that the failure to develop a point legally or factually is reason enough to affirm the circuit court. *Id.* (citing *Walters v. Dobbins*, 2010 Ark. 260, ___ S.W.3d ___).

The remainder of appellant's arguments deal with perceived flaws with the writ of garnishment, including its imposition and the actions of the State and the Office of Child

Support Enforcement with respect to it. However, if appellant wished to challenge whether the garnishment was improper for whatever reason, his recourse was to appeal from the order granting the writ of garnishment. *See* Ark. R. App. P.—Civil 2(a)(5) (2010); Ark. R. App. P.—Civil 4(a). The propriety of the garnishment is not germane to the question of whether the circuit court's decision to close the forfeiture action was erroneous.[3] Appellant has therefore failed to establish that the circuit court's closure of the forfeiture action was in error, and we affirm.

Affirmed.

[3] Appellant's brief contains a 172-page addendum. The overwhelming majority of the documents in the addendum pertain to the propriety of the garnishment, and they seem to be the very documents that this court declined to allow appellant to supplement the record with in *Trotter v. State*, 08-433 (Ark. Mar. 12, 2009) (unpublished per curiam) and again in *Trotter v. State*, 08-433 (Ark. May 14, 2009) (unpublished per curiam). For the reasons we explained in those decisions, we decline to consider any materials that were not presented to the circuit court or that have no relevance to the issue of the circuit court's order of closure.