

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR08-84

DAMONT T. EWELLS,

APPELLANT

V.

STATE OF ARKANSAS,

APPELLEE

Opinion Delivered JANUARY 13, 2010

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT,
[NO. CR2006-141I]

HONORABLE JOHN HOMER
WRIGHT, JUDGE,

AFFIRMED; MOTION GRANTED

KAREN R. BAKER, Judge

Appellant Damont T. Ewells was convicted by a Garland County jury on October 11, 2007, of possession of cocaine with intent to deliver and possession of marijuana with intent to deliver and was sentenced to 756 months' imprisonment in the Arkansas Department of Correction. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals, appellant's counsel has filed a motion to withdraw on grounds that the appeal is without merit. This motion is accompanied by an abstract and brief referring to everything in the record that might arguably support an appeal. The clerk of this court furnished appellant with a copy of his counsel's brief and notified him of his right to file a *pro se* brief within thirty days.

Appellant filed a brief asserting the following point of error: The trial court erred in

denying appellant's motion to suppress because the stop, search and seizure violated the Fourth Amendment as well as various statutory provisions. Appellant also argues that his counsel was ineffective in violation of the Sixth Amendment to the United States Constitution and that the officers used excessive force in violation of the Eighth Amendment to the United States Constitution.

From our review of the record and the briefs presented to us, we find appellant's points address issues that were either wholly outside the record, raised for the first time on appeal, or fully covered in his counsel's brief. We find compliance with Rule 4-3(k), and that the appeal is without merit. Accordingly, counsel's motion to be relieved is granted, and the judgments of conviction are affirmed.

Affirmed, and motion to be relieved granted.

HENRY and BROWN, JJ., agree.