

Cite as 2011 Ark. App. 484

# ARKANSAS COURT OF APPEALS

EN BANC

No. CACR11-677

ROBERT RYAN SIPE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** August 24, 2011

APPEAL FROM THE GARLAND  
COUNTY CIRCUIT COURT  
[NO. CR-2010-209-I]

HONORABLE JOHN HOMER WRIGHT,  
JUDGE

MOTION MOOT

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## PER CURIAM

Before the court is a motion to withdraw as attorney on direct appeal, filed by Mark Fraiser of the Office of the Public Defender for the 18th Judicial District. The Public Defender was appointed to represent the appellant on appeal by an order of the circuit court filed on May 16, 2011. However, the notice of appeal had already been filed by appellant's trial counsel, Tylar C.M. Tapp, III, on April 6, 2011; therefore, the circuit court had no jurisdiction to enter the order of appointment.

Mr. Tapp remains the attorney of record. If he wishes to withdraw from the case, he should file an appropriate motion with this court. If he wishes to remain on the case as appointed counsel, he should file a motion with supporting affidavit of indigency by the appellant.

The clerk shall notify Mr. Tapp of his obligations per this opinion and set a new briefing schedule. Mr. Fraiser's motion is moot.