

ARKANSAS COURT OF APPEALS

EN BANC

No. CACR 09-345

DANIEL DORSEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered OCTOBER 12, 2011

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. CR-98-365]

HONORABLE CHARLES DAVID
BURNETT, JUDGE

MOTION TO DISMISS DENIED;
COUNSEL SUBSTITUTED

PER CURIAM

Appellant Daniel Dorsey was convicted of possession of a controlled substance with intent to deliver, and he exercised his right to appeal. Appellant's counsel, Richard West, filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k)(1) of the Rules of the Arkansas Supreme Court, asking to be relieved as counsel. On November 3, 2010, this court ordered rebriefing due to deficiencies in the brief. *See Dorsey v. State*, 2010 Ark. App. 742. Mr. West subsequently filed a second no-merit brief, and on May 18, 2011, we again ordered rebriefing due to deficiencies in the brief. *See Dorsey v. State*, 2011 Ark. App. 368. Additional extensions were granted to Mr. West, and appellant's substituted brief was last due by July 27, 2011.

The State has now filed a motion to dismiss the appeal on the basis that Mr. West has failed to file a substituted brief as ordered, nor has he filed an additional motion for an



Cite as 2011 Ark. App. 622

extension of time to file the brief. We deny the State's motion to dismiss. However, we remove Mr. West as the attorney of record in this case and appoint Travis Gray as new counsel so that the appeal is no longer stalled. Mr. Gray will have forty-five days from the date of this per curiam opinion to file the appellant's brief. A copy of this opinion will be forwarded to the Supreme Court Committee on Professional Conduct.

Motion denied; counsel substituted.