

# ARKANSAS COURT OF APPEALS

EN BANC  
No. CR-13-15

TRACY M. STANDRIDGE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 9, 2014

APPEAL FROM THE BAXTER  
COUNTY CIRCUIT COURT  
[NO. CR-2010-218]

HONORABLE ROBERT M.  
McCORKINDALE, JR., JUDGE

PRO SE MOTIONS AND MOTION  
FOR EXTENSION OF TIME MOOT;  
CURRENT COUNSEL RELIEVED;  
NEW COUNSEL APPOINTED;  
BRIEFING SCHEDULE ORDERED

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## PER CURIAM

In 2011, a Baxter County jury convicted Tracy Standridge of violating an order of protection, a Class D felony, in Baxter County Circuit Court case number CR 10-218. He timely filed a notice of appeal from this conviction, and the appeal was lodged with this court in CACR 12-23. However, due to misprision, the notice of appeal was inexplicably absent from the record filed with the appellate court. This court dismissed the appeal in CACR 12-23 without prejudice to allow Standridge to petition this court for permission to file a belated appeal. *Standridge v. State*, 2012 Ark. App. 585. Standridge subsequently filed a pro se motion to file belated appeal and produced a record demonstrating that a timely notice of appeal had, in fact, been filed. The Supreme Court treated the motion as a motion for rule

on the clerk to lodge the record and granted him relief. The record has now been lodged with this court and has been assigned case number CR-13-15.

Standridge has filed several pro se motions, including a motion to order rebriefing, to relieve David Bowden as counsel, and to allow a handwritten brief or for appointment of an attorney to file a brief. In our review of this matter, we note that counsel for Standridge has suffered from significant health problems that have required him to request multiple extensions of time to file a compliant brief—the last falling after the final filing extension granted on March 5, 2014. For these reasons, and to expedite resolution of this matter, we hereby remove David O. Bowden as attorney of record and appoint Paul J. Teufel, attorney at law, to represent appellant in this appeal. Because we do this, Standridge's pro se motions are moot.

We direct our clerk to set a new briefing schedule for the appeal. The record in this case, CR-13-15, and the record in CACR 12-23, the initially dismissed appeal, will be made available for his review in the clerk's office.

We note that, in filing his substituted brief, newly appointed counsel is not limited to the arguments contained in former appellate counsel's tendered briefs, but he should conduct an independent review of the record and prepare a brief accordingly. In making this statement, we express no opinion as to whether the new appeal should be on the merits or should be made pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Arkansas Rules of the Supreme Court and the Court of Appeals.

Cite as 2014 Ark. App. 230

Pro se motions and motion for extension of time moot; current counsel relieved; new counsel appointed; briefing schedule ordered.

*Tracy M. Standridge*, pro se appellant.

*Dustin McDaniel*, Att’y Gen., by: *Valerie Glover Fortner*, Ass’t Att’y Gen., for appellee.