

Terrick Terrell NOONER v. STATE of Arkansas

CR 94-358

885 S.W.2d 24

Supreme Court of Arkansas
Opinion delivered October 24, 1994

1. APPEAL & ERROR — APPELLANT NOT ENTITLED TO TRIAL TRANSCRIPT FROM HIS ATTORNEY. — Where appellant stated no reason and cited no authority to demonstrate that he is entitled to a copy of the trial transcript, his pro se motion was denied; the attorney for an appellant has no obligation to provide a copy of the trial transcript to the appellant.
2. ATTORNEY & CLIENT — SUBSTITUTION OF COUNSEL — MOTION NOT CONSIDERED ABSENT REQUEST FROM COUNSEL TO BE SUBSTITUTED. — Although appellant has requested that new counsel be substituted for his attorney-of-record, where the new counsel has not requested to be substituted as counsel, the appellate court will not consider appointing other counsel.

Pro Se Motion for Transcript and Pro Se Motion for Substitution of Counsel; *John Langston*, Judge; denied.

Herbert T. Wright, Jr., for appellant.

No response.

PER CURIAM. Appellant Terrick Terrell Nooner was found guilty by a jury of capital murder and sentenced to death. On March 29, 1994, the record was lodged in this court on appeal. Appellant is represented by attorney Herbert Wright who has been granted several extensions of time to file the appellant's

brief. When the most recent motion was granted, it was noted that the brief was due October 5, 1994, and that no further extensions of time would be granted. On October 4, 1994, Wright filed a "motion for continuance" which is pending. On September 8, 1994, appellant filed two *pro se* motions, one seeking a copy of the transcript from Wright and the other seeking to have Wright removed as counsel and attorney Willard Proctor substituted.

[1] The *pro se* motions are denied. Appellant has stated no reason or authority to demonstrate that he is entitled to a copy of the trial transcript. Clearly, the attorney for an appellant has no obligation to provide a copy of the trial transcript to the appellant.

[2] With respect to the motion to substitute counsel, appellant states that Mr. Proctor has agreed to be substituted as counsel, but we have no request from Mr. Proctor to do so. Until such time as another attorney files a motion asking to be substituted as attorney-of-record or this court relieves Mr. Wright, this court will not consider appointing other counsel.

Motions denied.
