

Michael Todd DAVIS *v.* STATE of Arkansas

CR 06-669

238 S.W.3d 607

Supreme Court of Arkansas
Opinion delivered July 19, 2006

MOTIONS — MOTION TO WITHDRAW AS COUNSEL — MOTION GRANTED.

— Where appellant's counsel was a full-time public defender with a full-time, state-funded secretary, he was not entitled to be paid for services in the appeal pursuant to Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2001); thus, the supreme court granted counsel's motion to withdraw and appointed new counsel to represent the appellant.

Motion to Withdraw as Counsel on Direct Appeal; granted.

Thurman Ragar, Jr., for appellant.

No response.

PER CURIAM. Michael Todd Davis was found guilty of murder in the first degree and kidnapping and sentenced to

consecutive terms of life and forty years' imprisonment. The appeal from the judgment has been lodged in this court. Appellant Davis is represented on appeal by Thurman Ragar, Jr., Deputy Public Defender. Mr. Ragar now asks that he be permitted to withdraw as counsel on the ground that he is ineligible for compensation for services as appellate counsel.

[1] Act 1370 of 2001, codified as Ark.Code Ann. § 19-4-1604(b)(2)(B) (Supp.2001), provides that persons employed as full-time public defenders who are *not* provided a state-funded secretary are eligible to seek compensation for appellate work. Counsel here affirms that he is a full-time public defender with a full-time, state-funded secretary. Under these circumstances, he is not entitled to be paid for services in this appeal and his request to be relieved is well founded.

We grant Mr. Ragar's motion to withdraw and appoint attorney William O. James, Jr., to represent appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.
