

Andre Peter DUNN *v.* STATE of Arkansas

CR 07-96

250 S.W.3d 566

Supreme Court of Arkansas  
Opinion delivered February 22, 2007

MOTIONS — MOTION FOR APPOINTMENT OF COUNSEL — APPELLANT'S MOTION WAS GRANTED AND COUNSEL WAS APPOINTED WHERE THE TRIAL COURT FOUND APPELLANT TO BE INDIGENT FOR PURPOSES OF THE APPEAL. — Where appellant retained attorneys to represent him on appeal; and where appellant timely filed an affidavit of financial means and a notice of appeal in which the trial court was asked to declare that appellant was indigent for purposes of the appeal; and where the trial court granted the request, declaring appellant indigent; and where the record on appeal was prepared at public expense and lodged in this court by counsel appellant retained; and where counsel averred that they had not been compensated by appellant for representation on appeal; and where the State did not contest the assertion that appellant was entitled to appointment of counsel, the supreme court appointed Gary D. McDonald and William McLean to represent appellant.

Motion for Appointment of Counsel; granted.

*Gary D. McDonald* and *William McLean*, for appellant.

No response.

**P**ER CURIAM. On November 1, 2006, appellant Andre Peter Dunn was found guilty by a jury of first-degree murder and sentenced to life imprisonment. Appellant's retained attorneys, Gary D. McDonald and William McLean, timely filed a notice of appeal in which they asked the court to declare that appellant was indigent for the purposes of the appeal. Appellant's affidavit of financial means was filed in support of the request. The trial court granted the request and entered an order on January 11, 2007, declaring him indigent.

[1] The record on appeal was prepared at public expense and lodged in this court by counsel, who now ask that this court appoint them to represent appellant on appeal. Counsel aver that they have not been compensated by appellant for representation on appeal and the State has not contested their assertion that

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appellant is entitled to appointment of counsel in this first appeal from the judgment. Accordingly, as the trial court found appellant to be indigent for the purposes of the appeal, Gary D. McDonald and William McLean are appointed to represent appellant.

Motion granted.

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