

Bill THOMPSON *v.* STATE of Arkansas

CR 98-1243

985 S.W.2d 319

Supreme Court of Arkansas  
Opinion delivered February 18, 1999

APPEAL & ERROR — MOTION TO BE RELIEVED AS COUNSEL — DENIED & REMANDED TO SETTLE RECORD. — Rather than granting the motion of appellant's attorney to be relieved as counsel in the absence of a record demonstrating what, if any, action the trial court may have taken regarding the issue, the supreme court remanded the matter to the trial court to settle the record.

Motion to be Relieved as Counsel; denied and remanded to settle record.

*Robert W. Bush*, for appellant.

No response.

**P**ER CURIAM. [1] Appellant's attorney of record, Robert W. Bush, represented appellant in a jury trial before the Faulkner County Circuit Court. On June 22, 1998, appellant filed a pro se notice of appeal from his conviction. On February 8, 1999, Mr. Bush filed a motion in this court seeking to be relieved as appellant's counsel, but there is no evidence in the record indicating that Mr. Bush was relieved from filing a notice of appeal on appellant's behalf or from representing appellant in his appeal.

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Rather than granting Mr. Bush's motion in the absence of a record demonstrating what, if any, action the trial court may have taken regarding this issue, we remand this matter to the trial court to settle the record in accordance with Ark. R. App. P.—Civil 6(d), made applicable to criminal proceedings pursuant to Ark. R. App. P.—Crim. 4(a). See *Finch v. State*, 329 Ark. 319, 319-20, 947 S.W.2d 11 (1997) (citing *West v. State*, 322 Ark. 114, 907 S.W.2d 133 (1995) (per curiam)). Further, we direct that the record, as settled, be filed with this court's clerk within thirty-five days.

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