

SUPREME COURT OF ARKANSAS

No. CR 12-588

JACKIE BREEDEN, JR.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered August 14, 2012APPEAL FROM THE CIRCUIT
COURT OF BENTON COUNTY,
CR2010-1326-1, HON. ROBIN F.
GREEN, JUDGE; MOTION TO
WITHDRAW AS COUNSELMOTION GRANTED.

PER CURIAM

Appellant Jackie Breeden, Jr., was found guilty of one count of rape and sentenced to a term of life imprisonment. An appeal from the judgment has been lodged in this court. Breeden is represented on appeal by Scott M. McElveen. McElveen now asks that he be relieved as counsel on the ground that he is ineligible for compensation for services as appellate counsel.

Arkansas Code Annotated section 19-4-1604(b)(2)(B) (Repl. 2007) 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 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. *See Craigg v. State*, 2012 Ark. 95 (per curiam).

Therefore, we grant McElveen's motion to be relieved, and we appoint attorney William James, Jr., to represent Breeden. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.