

SUPREME COURT OF ARKANSAS

No. CR-12-861

STATE OF ARKANSAS

APPELLANT

V.

STEVEN CARL WILLIAMS

APPELLEE

Opinion Delivered November 1, 2012

MOTION TO WITHDRAW AS
COUNSEL

GRANTED.

PER CURIAM

Appellee Steven Carl Williams was charged with one count of theft of services. A bench trial was held in the Benton County Circuit Court, and at the close of the State's case, the circuit court directed verdict for Williams. The State has filed an appeal.

Williams is represented by Janette McKinney, and McKinney now asks that she be relieved as counsel on the ground that she 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 she is a full-time public defender with a full-time, state-funded secretary. Under these circumstances, she is not entitled to be paid for services in this appeal, and her request to be relieved is well founded. *See Craig v. State*, 2012 Ark. 95 (per curiam).

Therefore, we grant McKinney's motion to withdraw as counsel, and we appoint attorney Nick Churchill to represent Williams. Our clerk is directed to set a new briefing schedule for the appeal.

Janette McKinney, for appellant.

No response.