

**SUPREME COURT OF ARKANSAS**

No. CR-13-444

NIGEL LEWIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** June 20, 2013MOTION TO BE RELIEVED AS  
COUNSEL AND MOTION TO STAY  
BRIEFING SCHEDULEMOTION TO BE RELIEVED AS  
COUNSEL GRANTED; BRIEFING  
SCHEDULE ORDERED.**PER CURIAM**

Appellant Nigel Lewis was found guilty of numerous offenses and received a sentence of life without parole for capital murder, 300 months for aggravated residential burglary, 300 months for aggravated robbery, 120 months for theft of property, and 120 months for fraudulent use of a credit card. Appellant timely filed a notice of appeal. Lewis is represented by Thomas B. Devine III, a full-time public defender, who 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. Devine affirms that he is a full-time public defender with a full-time, state-funded secretary. Under these circumstances, he is not entitled to compensation for services in this appeal, and his request to be relieved is well-founded. *See Williamson v. State*, 2013 Ark. 1 (per curiam).

We grant Devine's motion to be relieved, and we appoint attorney Dale Adams to represent Lewis. Our clerk is directed to set a new briefing schedule for the appeal.

Motion to be relieved as counsel granted; briefing schedule ordered.

*Thomas B. Devine III*, Pulaski County Conflicts Public Defender, for appellant.

No response.