

SUPREME COURT OF ARKANSAS

No. CR-13-721

RICHARD RALPH CONTE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered October 10, 2013

MOTION TO WITHDRAW AS
ATTORNEY OF RECORD AND
FOR APPOINTMENT OF
APPELLATE COUNSEL; MOTION
TO PROCEED IN FORMA
PAUPERIS

MOTIONS GRANTED.

PER CURIAM

Jack Lassiter, counsel for appellant Richard Ralph Conte, petitions this court to withdraw as attorney of record and for appointment of appellate counsel. Also before us is Conte's motion and affidavit in support to proceed in forma pauperis pursuant to Ark. Sup. Ct. R. 6-6 (2013).

On January 18, 2013, Conte was convicted by a Faulkner County jury of two counts of capital murder and sentenced to two consecutive life-without-parole sentences and an additional consecutive sentence of 180 months on each count pursuant to Arkansas Code Annotated section 16-90-121 (Repl. 2006). On February 21, 2013, Conte timely filed a notice of appeal and a petition to proceed in forma pauperis with the circuit court. On February 22, 2013, an order was entered by the circuit court declaring Conte indigent for appeal. However, the affidavit of indigency was not filed until March 6, 2013.

On August 19, 2013, the record was lodged with this court. On that same date, Lassiter filed a motion to withdraw as attorney of record and for appointment of appellate counsel. On September 12, 2013, by docket entry, we denied the motion to withdraw as attorney of record and for appointment of appellate counsel pursuant to Ark. Sup. Ct. R. 6-6. On September 16, 2013, those motions, accompanied by Conte's motion and affidavit in support to proceed in forma pauperis were filed and are now properly before us.

We find that Conte is indigent, and we appoint Patrick Benca as counsel for Conte. Accordingly, we grant Lassiter's motion to withdraw as attorney of record.

Motions granted.