

Cite as 2015 Ark. 135

SUPREME COURT OF ARKANSAS

No. CR-15-174

JAMES JOHNSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 2, 2015MOTION TO BE RELIEVED AS
ATTORNEY FOR APPELLANT AND
STAY BRIEFING SCHEDULEGRANTED.**PER CURIAM**

Appellant James Johnson was found guilty of capital murder and was sentenced to life imprisonment without parole. An appeal from the judgment has been lodged in this court. Johnson is represented on appeal by Thomas B. Devine III. Devine 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 § 19-4-1604(b)(2)(B) (Repl. 2007) provides that persons employed as full-time public defenders who are not provided with 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 *Craig v. State*, 2012 Ark. 95 (per curiam).

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We therefore grant Devine's motion to be relieved. We need not appoint counsel for Johnson in light of an entry of appearance filed with this court's clerk by other counsel retained by Johnson's parents and stating Johnson's desire to be so represented. Our clerk is directed to set a new briefing schedule.

Motion granted.