

SUPREME COURT OF ARKANSAS

No. CR-16-704

STATE OF ARKANSAS

APPELLANT

V.

JAMES GRIFFIN, JR.

APPELLEE

Opinion Delivered September 15, 2016

MOTION TO WITHDRAW AS
ATTORNEY ON DIRECT APPEAL

GRANTED.

PER CURIAM

The State has filed an interlocutory appeal from a granting of a motion to suppress. The appellee, James Griffin, Jr. is indigent and is represented by Matthew Lee Dearnore a full-time public defender who now asks to 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 payment for services in this appeal, and his request to be relieved is well-founded. *See Craig v. State*, 2012 Ark. 95 (per curiam). We therefore grant Dearnore's motion to be relieved. We appoint attorney Robert E. Hodge III to represent the appellee. Our clerk is directed to set a new briefing schedule for the appeal.

Granted.