

SUPREME COURT OF ARKANSAS

No. CR 09-1296

DONALD RAY MATHIS
APPELLANT

v.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 28, 2010

PRO SE MOTION FOR
APPOINTMENT OF COUNSEL
[CIRCUIT COURT OF UNION
COUNTY, CR 2009-64]

MOTION GRANTED; WRIT OF
CERTIORARI ISSUED.

PER CURIAM

On August 18, 2009, judgment was entered reflecting that appellant Donald Ray Mathis had been found guilty by a jury of simultaneous possession of drugs and firearms, possession of a controlled substance with intent to deliver, possession of drug paraphernalia, and maintaining a drug premises. Appellant was sentenced as a habitual offender to an aggregate term of 1344 months (112 years).¹ Before the judgment was entered of record an order was entered relieving as counsel the retained attorney who had represented appellant at trial. Appellant timely filed a pro se notice of appeal from the judgment.

Appellant timely tendered to this court a partial record for the purposes of perfecting the appeal. Now before us is appellant's request that he be permitted to proceed in forma

¹The judgment provides that the sentences imposed of 720, 240, 240, and 144 months' imprisonment were to be served consecutively. A clerical error on the judgment erroneously notes the total term of imprisonment as 112 months rather than 112 years, which is the aggregate sentence when calculated in years.



Cite as 2010 Ark. 47

pauperis on appeal and his motion for appointment of counsel. Appended to the motion is appellant's affidavit of indigency pursuant to Arkansas Supreme Court Rule 6-6. In his affidavit, appellant avers that he has no money or property. Inasmuch as the State has not contested appellant's claim that he is entitled to proceed in forma pauperis on appeal, the request is granted. See *Bower v. State*, 2009 Ark. 575 (per curiam); see also *Holland v. State*, 358 Ark. 366, 190 S.W.3d 904 (2004) (per curiam).

The direct appeal of a conviction is a matter of right and an indigent criminal defendant is entitled to representation by counsel on direct appeal of a judgment of conviction. *Wrenn v. State*, 355 Ark. 558, 141 S.W.3d 362 (2004) (per curiam). Accordingly, appellant is entitled to appointment of counsel in this appeal.

Attorney Adam L. Hopkins is appointed to represent appellant. As counsel did not represent appellant below and is unfamiliar with the issues raised at trial, a writ of certiorari is issued, returnable in thirty days, to bring up the entire record for the purposes of the appeal.

Motion granted; writ of certiorari issued.

BROWN, J., not participating.