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SUPREME COURT OF ARKANSAS

No. CR-15-997

TONY BROOKS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 7, 2016MOTION TO BE RELIEVED AS
ATTORNEY FOR APPELLANT AND
STAY BRIEFING SCHEDULEMOTION GRANTED.**PER CURIAM**

Appellant, Tony Brooks, was convicted by a Pulaski County Circuit Court jury of capital murder and abuse of a corpse. Brooks was sentenced to a term of life imprisonment without parole for the capital-murder conviction and thirty years' imprisonment for abuse of a corpse to be served concurrently. An appeal from the judgment has been lodged in this court. Brooks is represented on appeal by Julia B. Jackson, a full-time public defender. Ms. Jackson now asks that she be relieved as counsel on the ground that she 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. Counsel here affirms that she is a full-time public defender with a full-time, state-funded secretary. Under these circumstances,

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she is not entitled to be paid for services in this appeal, and her request to be relieved is well founded. *See Rhodes v. State*, 2009 Ark. 138, 297 S.W.3d 551 (per curiam).

Therefore, we grant Ms. Jackson's motion to be relieved, and we appoint attorney Laura Avery to represent the appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.