

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 APPEALMOTION 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 Dearmore 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 Craigg v. State*, 2012 Ark. 95 (per curiam). We therefore grant Dearmore'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.

Motion granted.