

Cite as 2011 Ark. 162

SUPREME COURT OF ARKANSAS

No. CR11-331

RICKY RAY ANDERSON,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,**Opinion Delivered** April 14, 2011MOTION TO BE RELIEVED AS
ATTORNEY OF RECORD AND
STAY BRIEFING SCHEDULEMOTION GRANTED.**PER CURIAM**

Appellant Ricky Ray Anderson was convicted of capital murder and was sentenced to a term of life imprisonment without parole. The circuit court entered a judgment and commitment order on September 22, 2010. He then filed a timely notice of appeal on September 24, 2010. An appeal from that judgment was lodged with this court on March 30, 2011. Appellant is represented on appeal by Denny Hyslip, a full-time public defender. Mr. Hyslip 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 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 he is a full-time public defender with a full-time, state-funded secretary. Under these circumstances,

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

Therefore, we grant Mr. Hyslip's motion to be relieved, and we appoint attorney Nicholas Churchill to represent the appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.