

ARKANSAS SUPREME COURT

No. CR 07-929

KELLY HARRISON CAMPBELL
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered October 4, 2007

ATTORNEY FOR APPELLANT'S
MOTION TO BE RELIEVED AS
COUNSEL; APPELLANT'S PRO SE
MOTION FOR APPOINTMENT OF
COUNSEL AND FOR LEAVE TO
RAISE ISSUE OF HER ENTITLEMENT
TO RELEASE ON APPEAL BOND
[CIRCUIT COURT OF LONOKE
COUNTY, CR 2006-494, HON. JOHN
W. COLE, JUDGE]

ATTORNEY FOR APPELLANT'S
MOTION TO BE RELIEVED AS
COUNSEL DENIED; APPELLANT'S
PRO SE MOTION FOR
APPOINTMENT OF COUNSEL AND
FOR LEAVE TO RAISE ISSUE OF HER
ENTITLEMENT TO RELEASE ON
BOND MOOT.

PER CURIAM

On April 24, 2007, judgment was entered reflecting that appellant Kelly Harrison Campbell had been found guilty by a jury of multiple felony offenses for which an aggregate sentence of 240 months' imprisonment was imposed. On May 1, 2007, appellant timely filed a pro se notice of appeal from the judgment. On May 10, 2007, she filed an amended pro se notice of appeal that further delineated the record designated. On July 16, 2007, the trial court entered an order declaring appellant to be indigent for the purposes of appeal and relieving Mark F. Hampton, the attorney who

had represented appellant at trial, as counsel. As Ark. R. Crim. P. 16(a) provides that the appellate court has exclusive jurisdiction to relieve an attorney after the notice of appeal is filed, the order was not a valid order. *Barr v. State*, 333 Ark. 576, 970 S.W.2d 243 (1998) (per curiam).

Attorney Hampton has lodged in this court a partial record on appeal. Now before us is Mr. Hampton's motion to be relieved as counsel and appellant's pro se motion seeking appointment of counsel and leave for her appellate attorney to raise the issue of whether she is entitled to release on bond pending appeal.¹ Mr. Hampton's basis for his request to be relieved is that a new attorney could give new, objective analysis to the issues on appeal and further protect appellant's rights and interests.

Because Mr. Hampton represented appellant at trial, he is in a unique position to assess the merits of an appeal of the judgments entered against her. Moreover, he has not offered any fact or circumstance that warrants appointing other counsel. For this reason, Mr. Hampton is appointed to represent appellant on appeal. As noted, only a partial record has been lodged. While the notice and amended notice of appeal indicate that the entire record was ordered, it is not clear whether a proper request for an extension of time to lodge the record has been filed. Counsel is directed to file within fifteen days from the date of this opinion a petition for writ of certiorari to bring up the record, in the event that proper procedure has not been followed in order to do so.

Inasmuch as Mr. Hampton will remain attorney-of-record for the appeal, appellant's pro se motion for appointment of counsel is moot. Her request for permission for counsel to raise the issue of whether she is entitled to release on appeal bond is also moot because there is no need for an

¹Appellant was released on bond after her conviction. Upon further review, the trial court declared in its July 16, 2007, order that she was not entitled to release on bond pending appeal. Appellant is currently in the custody of the Arkansas Department of Correction.

appellant to seek leave of this court before filing a motion in the appellate court on the issue of whether the appellant is entitled to bond.

Attorney for appellant's motion to be relieved as counsel denied; appellant's pro se motion for appointment of counsel and for leave to raise issue of her entitlement to release on bond moot.