

**SUPREME COURT OF ARKANSAS**

No. CR11-1209

BRIAN T. JORDAN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** January 5, 2012MOTION TO BE RELIEVED AS  
ATTORNEY OF RECORD AND  
STAY BRIEFING SCHEDULEMOTION GRANTED.**PER CURIAM**

Appellant Brian T. Jordan was convicted of rape on April 28, 2011, and sentenced to life imprisonment. He filed a timely notice of appeal. Appellant is represented on appeal by Kathryn S. Moore, a full-time public defender. Ms. Moore 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, 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. Moore's motion to be relieved, and we appoint attorney Marjorie Fisher Rogers to represent the appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.