

SUPREME COURT OF ARKANSAS

No. CR13-122

TIMOTHY ALLEN WELLS
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered February 28, 2013

MOTION TO WITHDRAW AS
ATTORNEY ON DIRECT APPEAL

MOTION GRANTED.

PER CURIAM

Appellant was found guilty of capital murder and sentenced to life imprisonment without parole. An appeal from the judgment has been lodged in this court. Wells is represented by Mark S. Fraiser, a full-time public defender, who 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 affirms that he is a full-time public defender with a full-time, state-funded secretary. Under these circumstances, he is not entitled to be paid for services in this appeal, and his request to be relieved is well founded. *See Williamson v. State*, 2013 Ark. 1 (per curiam).

We grant Fraiser's motion to be relieved, and we appoint attorney Daniel Hancock to represent Wells. Our clerk is directed to set a new briefing schedule for the appeal.