

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY TRINKLE,

Defendant.

Case No. 07-20168

MEMORANDUM AND ORDER

Defendant Billy Trinkle was convicted of conspiracy to possess with intent to distribute more than 50 grams of cocaine base, and use of a communication facility in commission of a drug trafficking crime. He received a 240-month prison sentence. Mr. Trinkle has now filed a motion requesting that the court appoint him a lawyer because he wishes to challenge his sentence based on a recent Supreme Court case (doc. 1219).

There is, however, no constitutional right to counsel beyond the direct appeal of a conviction. *Swazo v. Wyo. Dep't of Corrs.*, 23 F.3d 332, 333 (10th Cir. 1994). “[T]he right to appointed counsel extends to the first appeal of right, and no further.” *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987).

This court is confident, judging from the content of the motion itself, that Mr. Trinkle is adequately able to identify and argue the issue he seeks to raise. Thus, Mr. Trinkle is entitled to seek habeas relief if he wishes, but he is not entitled to an attorney

to assist with that process. The court will reassess the issue of appointed counsel at a later date if the situation warrants it.

IT IS ORDERED BY THE COURT that defendant's motion for appointment of counsel (doc. 1219) is **denied**.

IT IS SO ORDERED this 5th day of April, 2010.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge