

Sedric Maurice SIMPSON *v.* STATE of Arkansas

CR. 01-141

40 S.W.3d 293

Supreme Court of Arkansas  
Opinion delivered March 22, 2001

ATTORNEY & CLIENT — MOTION TO BE RELIEVED — GRANTED FOR GOOD CAUSE. — Where a state-salaried, part-time public defender asserted that he would not be compensated by the Arkansas Public Defender Commission for work performed in the appeal of the matter in question, and where he further asserted that he was ineligible for compensation by the supreme court pursuant to a recent opinion, the supreme court granted the attorney's motion to be relieved for good cause shown.

Appeal from Dallas Circuit Court; *Larry Chandler*, Judge;  
Motion to be Relieved as Counsel granted.

*David W. Talley*, for appellant.

No response.

PER CURIAM. David W. Talley, a state-salaried, part-time public defender for the Thirteenth Judicial District was appointed by the trial court to represent appellant Sedric Simpson, an indigent defendant, in this criminal case. Simpson was convicted of capital murder and sentenced to the death penalty. A notice of appeal from the judgment of conviction was timely filed, and the record has been lodged with our clerk.

[1] Mr. Talley now asks this court to relieve him as counsel for Simpson and to appoint new counsel for Simpson in this criminal appeal. In support of his motion to be relieved, Mr. Talley asserts that he will not be compensated by the Arkansas Public Defender Commission for work performed in the appeal of this matter. He further asserts that he is ineligible for compensation by this court pursuant to our recent opinion in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000). Under these circumstances, we grant Mr. Talley's motion to be relieved for good cause shown. See *Tester v. State*, 341 Ark. 281, 16 S.W.3d 227 (2000) (*per curiam*). Lea Ellen Fowler, will be substituted as attorney for appellant Sedric Simpson.

Granted.