

Leon ROBERSON *v.* STATE of Arkansas

CR 01-263

39 S.W.3d 458

Supreme Court of Arkansas
Opinion delivered April 5, 2001

ATTORNEY & CLIENT — PETITION TO WITHDRAW GRANTED — SUBSTITUTED COUNSEL APPOINTED. — Where, as a state-salaried, part-time public defender, counsel was ineligible for compensation by the supreme court for work performed in the appeal of this matter, the supreme court granted counsel's motion to be relieved for good cause shown and substituted another attorney.

Petition to Withdraw granted; Substituted Counsel appointed.

Dan Etherly, for appellant.

No response.

PER CURIAM. Dan Etherly, a state-salaried, part-time public defender for the First Judicial District, was appointed by the trial court to represent appellant Leon Roberson, an indigent defendant, in this criminal case. Following a revocation hearing, Roberson was sentenced to thirty years in the Arkansas Department of Corrections. A notice of appeal from the judgment was timely filed and a partial record has been lodged with our clerk.

[1] Mr. Etherly now asks this court to relieve him as counsel for Roberson in this appeal. As a state-salaried, part-time public defender for the First Judicial District, Mr. Etherly is ineligible for compensation by this court for work performed in the appeal of this matter pursuant to our recent opinion in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000). In *Tester v. State*, 341 Ark. 281, 16 S.W.3d 227 (2000), we relieved appellant's court-appointed public defender and appointed new counsel on appeal under similar circumstances. See also, *Craft v. State*, 342 Ark. 57, 26 S.W.3d 584 (2000); *McFerrin v. State*, 342 Ark. 61, 26 S.W.3d 429 (2000); *Bolton v. State*, 342 Ark. 55, 26 S.W.3d 783 (2000). We grant Mr. Etherly's motion to be relieved for good cause shown. David Bowden will be substituted as attorney for appellant Leon Roberson in this matter.
