

Isaac COLBERT *v.* STATE of Arkansas

CR 01-420

42 S.W.3d 494

Supreme Court of Arkansas
Opinion delivered May 3, 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.

Motion to be Relieved as Counsel granted.

David Mark Gunter, for appellant.

No response.

PER CURIAM. David Mark Gunter, a state-salaried, part-time public defender, was appointed by the trial court to represent appellant Isaac Colbert, an indigent defendant, in this criminal case. Colbert was convicted of simultaneous possession of drugs and firearms and sentenced to life imprisonment in the Arkansas Department of Correction. Mr. Gunter timely filed a notice of appeal from the judgment of conviction and lodged the appellate record with the Supreme Court Clerk.

[1] Mr. Gunter now asks this court to relieve him as appellant's counsel and to appoint new counsel. As a state-salaried, part-time public defender, Mr. Gunter is ineligible for compensation by this court for work performed in the appeal of this matter pursuant to our holding 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). Accordingly, we grant Mr. Gunter's motion to be relieved for good cause shown. Mr. Charles Kester will be substituted as appellant's attorney in this matter.