

Jim McDONALD v STATE of Arkansas

CR 04-719

200 S.W.3d 443

Supreme Court of Arkansas
Opinion delivered December 16, 2004

APPEAL & ERROR — MOTION TO BE RELIEVED AS COUNSEL GRANTED —
SUBSTITUTE COUNSEL APPOINTED — Pursuant to Rule 16 of the
Rules of Appellate Procedure—Criminal, where petitioner's attorney
had been hired as the full-time Director and Professor of
Paralegal Studies at the University of Arkansas at Fort Smith, and she
also anticipated that petitioner would petition the court for Rule 37
relief, thereby creating a potential for a conflict of interest, the court
relieved petitioner's attorney and appointed new counsel for him.

Motion to be Relieved granted; motion for appointment of
counsel granted.

The Lisk Firm, by *Lynn Lisk*, for petitioner.

No response.

PER CURIAM. Appellant's attorney, Lynn Lisk's, motion
to be relieved as counsel and to appoint substitute
counsel is granted pursuant to Rule 16 of the Rules of Appellate
Procedure—Criminal

Appellant, Jim McDonald, was sentenced to life imprisonment in the Arkansas Department of Correction after pleading guilty to the charge of rape. Appellant was recognized as indigent by the trial court, and appellant's appeal to this court was filed *in forma pauperis*. Appellant's underlying appeal requested that the court review the propriety of appellant's sentence of life imprisonment. Appellant's attorney, Lynn Lisk, has been hired as the full-time Director and Professor of Paralegal Studies at the University of Arkansas at Fort Smith. Also, appellant's attorney anticipates appellant will petition the court for Rule 37 relief, thereby creating a potential for a conflict of interest.

[1] Rule 16 states in pertinent part that the appellate court has exclusive jurisdiction to relieve counsel and appoint new counsel in the "interest of justice or for other good cause." Accordingly, the court relieves attorney Lynn Lisk and appoints David Dunigan as attorney for appellant.
