

Jerry ELLIS *v.* STATE of Arkansas

CR 05-552

210 S.W.3d 71

Supreme Court of Arkansas
Opinion delivered June 9, 2005

ATTORNEY & CLIENT — PUBLIC DEFENDER PERMITTED TO WITHDRAW —

A full-time state-salaried public defender with a full-time state-salaried secretary was granted permission to withdraw as she was ineligible for compensation for her work on appeal

Motion to be Relieved and to Stay Briefing Schedule granted.

Julia B Jackson, Public Defender, for appellant.

No response.

PER CURIAM. *Julia B. Jackson*, a full-time, state-salaried public defender for the Sixth Judicial District, was ap-

pointed by the trial court to represent appellant, Jerry Ellis, an indigent defendant, on charges of rape, burglary, and terroristic threatening. Following a trial, he was convicted of the charges and sentenced to life plus 55 years, to be served consecutively. A notice of appeal was timely filed, and a request for the transcribed record has been timely lodged in this court.

[1] Ms. Jackson now moves to withdraw as counsel on appeal based upon *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), which held that full-time, state-salaried public defenders were ineligible for compensation for their work on appeal. Since *Rushing*, the General Assembly has passed legislation providing that only those full-time, state-salaried public defenders who do not have state-funded secretaries may seek compensation for their work on appeal. See Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2003).

Ms. Jackson states in her motion that she is provided with a full-time, state-funded secretary. Accordingly, we grant her motion to withdraw.

Greg Knutson will be substituted as counsel for appellant in this matter. The clerk will establish a new briefing schedule.

It is so ordered.
