

Bryant WOODS *v.* STATE of Arkansas

CR 05-195

205 S.W.3d 148

Supreme Court of Arkansas
Opinion delivered March 10, 2005

MOTIONS — MOTION TO BE RELIEVED & TO STAY BRIEFING SCHEDULE —
GRANTED — Where, as a full-time, state-salaried public defender
who was provided with a full-time, state-funded secretary who
maintained his day-to-day office operations, counsel was ineligible
for compensation for his work on appeal, the supreme court granted
counsel's motion to withdraw and substituted another attorney as
counsel for appellant.

Motion to be Relieved and to Stay Briefing Schedule;
granted

Thomas B. Devine, III, for appellant.

No response.

PER CURIAM Thomas B. Devine III, a full-time, state-salaried public defender for the Sixth Judicial District, was appointed by the trial court to represent appellant, Bryant Woods, an

indigent defendant, on the charge of capital murder. Following a trial, he was convicted of the charge and was sentenced to life imprisonment without parole. A notice of appeal was timely filed, and a request for the transcribed record has been timely lodged in this court.

Mr. Devine 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).

[1] Mr. Devine states in his motion that he is provided with a full-time, state-funded secretary who maintains his day-to-day office operations. Accordingly, we grant his motion to withdraw.

Mr. Brent Houston will be substituted as counsel for appellant in this matter. The Clerk will establish a new briefing schedule.

It is so ordered.
