

Theodore R. STEELE *v.* STATE of Arkansas

CR 05-237

206 S.W.3d 248

Supreme Court of Arkansas
Opinion delivered March 31, 2005

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

Motion to Withdraw as Attorney On Direct Appeal and Motion for Extension of Time; motions granted.

R. Paul Hughes, for appellant.

No response.

PER CURIAM. *R. Paul Hughes*, a full-time, state-salaried public defender in Sebastian County, Arkansas, was ap-

pointed by the trial court to represent appellant, Theodore R. Steele, an indigent defendant. A timely notice of appeal was filed with the circuit clerk, pursuant to Ark. R. App. P. – Crim. 10, and the record was timely lodged in this court.

Hughes now asks to be relieved as counsel for appellant in this criminal appeal, based upon the cases of *Rushing v. State*, 340 Ark. 84, 8 S.W 484 (2000) (holding that full-time, state-salaried public defenders were ineligible for compensation for their work on appeal), and *Tester v. State*, 341 Ark 281, 16 S.W 3d 227 (2000) (*per curiam*) (relieving appellant’s court-appointed public defender and appointing new counsel on appeal).

Since the time of those decisions, the law was changed by the General Assembly. Act 1370 of 2001 provides in part: “[P]ersons employed as full-time public defenders, who are not provided a state-funded secretary, may also seek compensation for appellate work from the Arkansas Supreme Court or the Arkansas Court of Appeals.” That provision is now codified as Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp 2001).

[1] Hughes’s motion states that he is provided with a full-time, state-funded secretary. Accordingly, we grant his motion to withdraw as attorney. Mac Golden will be substituted as attorney for appellant in this matter. The Clerk will establish a new briefing schedule.
