

Thomas Lee STONE *v.* STATE of Arkansas

CR 06-1129

242 S.W.3d 223

Supreme Court of Arkansas  
Opinion delivered November 2, 2006

ATTORNEY & CLIENT — MOTION TO WITHDRAW AS ATTORNEY — GRANTED. — Where appellant's attorney stated in his motion that he is provided with a full-time, state-funded secretary, the supreme court granted his motion to withdraw as attorney on direct appeal.

Motion to Withdraw as Attorney on Direct Appeal, granted.

*Thurman Ragar, Jr.*, for appellant.

No response.

**P**ER CURIAM. Thurman Ragar, Jr., a full-time, state-salaried public defender in Sebastian County, was appointed by the trial court to represent appellant, Thomas Lee Stone, an indigent defendant. Following a trial held on June 26, 27, and 29, 2006, appellant was found guilty of nine counts of rape and sentenced to serve four life sentences together with five twenty-year sentences, with the sentences to run consecutively. A timely notice of appeal was filed with the circuit clerk, pursuant to Ark. R. App. P. – Crim. 2, and the record has been lodged in this court.

Mr. Ragar now seeks to be relieved as counsel for appellant in this criminal appeal, based upon the case of *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000) (holding that full-time, state-salaried public defenders were ineligible for compensation for their work on appeal) and Ark. Code Ann. § 16-87-201 *et seq.* (1998).

Since the court's decision in *Rushing*, the law was changed by the General Assembly. Act 1370 of 2001 provides in part: "A person employed as full-time public defender, who is 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. 2005).

[1] Mr. Ragar's motion states that he is provided with a full-time, state-funded secretary. Accordingly, we grant his mo-

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tion to withdraw as attorney on direct appeal. Greg Knutson will be substituted as attorney of record in this matter. The clerk will establish a briefing schedule.

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