

David Edward MOTES *v.* STATE of Arkansas

CR 07-29

251 S.W.3d 306

Supreme Court of Arkansas  
Opinion delivered March 1, 2007

ATTORNEY & CLIENT — MOTION TO WITHDRAW — ATTORNEY NOT PROVIDED A STATE-FUNDED SECRETARY — MOTION DENIED. — Attorney for appellant revealed in her most recent motion that she is not provided a state-funded secretary; because she may be compensated for her work, her motion to withdraw as counsel was denied.

Motion to Withdraw as Counsel; denied.

*Beverly C. Claunch*, for appellant.

No response.

**P**ER CURIAM. Beverly C. Claunch, a full-time managing public defender for the Sixteenth Judicial District, moves this court for a second time to withdraw from representing the appellant. Ms. Claunch's first motion was denied as it did not state whether she is provided a state-funded secretary. *See Motes v. State*, 368 Ark. 600, 247 S.W.3d 814 (2007). This court instructed that Ms. Claunch could resubmit her motion, providing information about

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whether she is provided a state-funded secretary, in order for us to determine whether she qualifies for relief from appellant's representation. *See id.*

Since this court's decision in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), in which we held that full-time, state-salaried public defenders were ineligible for compensation for their work on appeal, the General Assembly has changed the law. Act 1370 of 2001 provided, 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." Act of Apr. 5, 2001, No. 1370, 2001 Ark. Acts 5165, § 1 (codified at Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2005)).

[1] Ms. Claunch's most recent motion reveals that she is not provided a state-funded secretary. Because Ms. Claunch may be compensated for her work, we deny her motion to withdraw as counsel.

Denied.

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