

Carlos Anthony MCFERRIN *v.* STATE of Arkansas

CR. 00-922

25 S.W.3d 429

Supreme Court of Arkansas  
Opinion delivered September 14, 2000

APPEAL & ERROR — MOTION TO BE RELIEVED AS ATTORNEY FOR APPELLANT — GRANTED. — Where appointed counsel was a state-salaried, full-time public defender who was ineligible for compensation, from either the Arkansas Public Defender Commission or the supreme court, for representing appellant in his criminal appeal, the supreme court found good cause to grant his motion to be relieved as attorney for appellant.

Motion to be Relieved as Attorney for Appellant; granted.

*John H. Bradley*, for appellant.

No response.

**P**ER CURIAM. John H. Bradley, a state-salaried, full-time public defender for the Second Judicial District, Mississippi County, was appointed by the trial court to represent appellant Carlos Anthony McFerrin, an indigent defendant, in this criminal case. McFerrin was convicted of capital murder and sentenced to life without parole. A notice of appeal from the judgment of conviction was timely filed, and the record has been lodged with our clerk.

[1] Mr. Bradley now asks this court to relieve him as counsel for McFerrin and to appoint new counsel for McFerrin in this criminal appeal. In support of his motion to be relieved, Mr. Bradley asserts that he will not be compensated by the Arkansas Public Defender Commission for work performed in the appeal of this matter. He further asserts that he is ineligible for compensation by this court pursuant to our recent opinion in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000). Under these circumstances, we grant Mr. Bradley's motion to be relieved for good cause shown. See *Tester v. State*, 341 Ark. 281, 16 S.W.3d 227 (2000) (*per curiam*). John Cone will be substituted as attorney for appellant Carlos Anthony McFerrin.