

Willie MUNN *v.* STATE of Arkansas

CR. 02-1246

92 S.W.3d 63

Supreme Court of Arkansas
Opinion delivered December 12, 2002

ATTORNEY & CLIENT — MOTION TO BE RELIEVED & FOR APPOINTMENT OF COUNSEL ON APPEAL — GRANTED. — Where, as a state-salaried, full-time public defender, with a state-funded secretary, counsel was ineligible for compensation by the supreme court for work performed in the appeal of this matter, the supreme court granted counsel's motion to be relieved for good cause shown and substituted another attorney.

Motion to be Relieved and for Appointment of Counsel on Appeal; granted.

Danny P. Rogers, for appellant.

No response.

PER CURIAM. Danny P. Rodgers, Managing Public Defender for the Eighth Judicial District—North and court-appointed counsel for Appellant Willie Munn, has filed a motion to be relieved as counsel on appeal and for appointment of substitute counsel. The motion reflects that Mr. Rodgers was originally appointed to represent Appellant by the Hempstead County Circuit Court on charges of possession of a controlled substance and possession of drug paraphernalia. He then assigned the case to another public defender due to a conflict of interest. Appellant was tried and found guilty on October 23, 2002, and was sentenced to eight years. After the trial, the assigned public defender ceased working in the office. The circuit court entered an order appointing Mr. Rodgers for the sole purpose of filing a notice of appeal on behalf of the appellant. That was done. The judgment and commitment order was filed on October 31, 2002, and the notice of appeal was filed on November 1, 2002.

[1] Mr. Rodgers now seeks to be relieved as counsel on appeal. He asserts that because he is a full-time public defender with a state-funded secretary, he is ineligible for compensation for work performed regarding this appeal, pursuant to this court's holdings in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000),

and *Williams v. State*, 347 Ark. 233, 60 S.W.3d 485 (2001) (*per curiam*). He therefore requests this court to relieve him of his duties on appeal. We grant Mr. Rodgers's motion to be relieved for good cause shown. See *Williams v. State*, 347 Ark. 369, 65 S.W.3d 401 (2002) (*per curiam*). Mr. Danny Williams will be substituted as appellant's attorney in this matter.

Motion granted.
