

Ronald O'NEAL *v.* STATE of Arkansas

CR 03-980

118 S.W.3d 580

Supreme Court of Arkansas
Opinion delivered September 25, 2003

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

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

Thomas B. Devine III, for appellant.

No response.

PER CURIAM. Attorney Thomas B. Devine III, a full-time public defender for the Sixth Judicial District, has filed a motion asking to be relieved from representing Appellant Ronald O'Neal on appeal. Appellant was convicted in the Pulaski County Circuit Court of capital murder and was sentenced to life without parole.

[1] Mr. Devine asserts that because he is a full-time public defender with a full-time state-funded secretary, he is ineligible for compensation for work performed regarding this appeal, pursuant to this court's holding in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000). He therefore requests this court to relieve him of his duties on appeal. We grant Mr. Devine's motion to be relieved for good cause shown. See *Munn v. State*, 351 Ark. 324, 92 S.W.3d 63 (2002) (*per curiam*); *Newman v. State*, 350 Ark. 265, 85 S.W.3d 883 (2002) (*per curiam*). Mark Murphy Henry, of Fayetteville, will be substituted as Appellant's attorney in this matter.

It is so ordered.

THORNTON, J., not participating.
