
Fernando NAVARRO *v.* STATE of Arkansas

CR 06-549

237 S.W.3d 461

Supreme Court of Arkansas
Opinion delivered June 22, 2006

APPEAL & ERROR — FULL-TIME PUBLIC DEFENDER — MOTION TO BE RELIEVED AS COUNSEL DENIED WITHOUT PREJUDICE. — Where appellant's attorney was a full-time public defender, but failed to state in her motion whether or not she was provided with a state-funded secretary, the supreme court denied her motion to be relieved as counsel without prejudice.

Motion to be Relieved as Attorney for Appellant and Stay Briefing Schedule; denied without prejudice.

Cristi Beaumont, for appellant.

No response.

PER CURIAM. [1] *Cristi Beaumont*, a full-time state-salaried public defender for the Fourth Judicial District, was appointed by the trial court to represent Appellant Fernando Navarro. *Beaumont* petitions this court to be relieved as counsel on appeal based on this court's holding in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), which states that full-time, state-salaried public defenders are ineligible for compensation for their work on appeal. Since *Rushing*, the General Assembly passed Ark. Code Ann. § 19-4-1604(b)(2)(B) (Supp. 2005), which states:

A person employed as [a] full-time public defender who is not provided a state-funded secretary may also seek compensation for appellate work from the Supreme Court or the Court of Appeals.

Beaumont did not state in her motion whether she employs a state-funded secretary. Therefore, *Beaumont's* motion to be relieved as counsel is denied without prejudice.