

Cite as 2010 Ark. 322

SUPREME COURT OF ARKANSAS

No. CR10-676

DAVID JUNIOR SWEET

APPELLANT

VS.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered 8-6-2010

MOTION TO WITHDRAW AS
ATTORNEY ON DIRECT APPEAL

MOTION GRANTED.

PER CURIAM

S. Ryan Norris, a full-time, state-salaried public defender, was appointed by the trial court to represent David Junior Sweet in the captioned case. As reflected in the judgment and commitment order entered on February 19, 2010, Sweet was convicted of aggravated robbery and kidnapping and sentenced to life imprisonment in the Arkansas Department of Correction on each of the offenses. A notice of appeal was filed on February 26, 2010, and the record has been filed with the clerk of this court. Mr. Norris now moves to be relieved as attorney for Sweet.

In *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000), we held that full-time, state-salaried public defenders were ineligible for compensation for their work done on appeal. Since *Rushing*, the General Assembly passed Ark. Code Ann. § 1904-1604(b)(2)(B) (Supp.

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2007), 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.”

Mr. Norris states in his motion that he is provided with a full-time, state-funded secretary. Accordingly, we grant his motion to be relieved. Ms. Kimberly Bibb will be substituted as counsel for Sweet in this matter. The clerk is directed to establish a new briefing schedule.

Motion granted.