

SUPREME COURT OF ARKANSAS

No. CR09-1118

JOSEPH ROUNSAVILLE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 29, 2009

MOTION TO BE RELIEVED AS
ATTORNEY FOR APPELLANT AND
STAY BRIEFING SCHEDULE

MOTION GRANTED.

PER CURIAM

On June 17, 2009, Thomas B. Devine III, a full-time, state-salaried public defender, was appointed by the trial court to represent Joseph Rounsaville in a Rule 33.3 hearing. An order was filed on August 14, 2009, denying the Rule 33.3 petition. A notice of appeal was filed on August 17, 2009, and the transcribed record has been ordered. Mr. Devine now moves to be relieved as attorney for Rounsaville and to stay the briefing schedule until substitute counsel is appointed.

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. § 19-4-1604(b)(2)(B) (Supp. 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.”



Cite as 2009 Ark. 525

Mr. Devine states in his motion that he is provided with a full-time, state-funded secretary. Accordingly, we grant his motion to be relieved.

D. Clifford Sward will be substituted as counsel for Rounsaville in this matter. The clerk is directed to establish a new briefing schedule.

Motion granted.

D. Clifford Sward, substituted as counsel for appellant.

No response.