

Cite as 2015 Ark. 347

SUPREME COURT OF ARKANSAS

No. CR-15-724

DARRELL DENNIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 1, 2015MOTION TO BE RELIEVED AS
ATTORNEY FOR APPELLANT AND
STAY BRIEFING SCHEDULE.MOTION GRANTED.**PER CURIAM**

Thomas B. Devine, III, a full-time, state-salaried public defender, was appointed by the circuit court to represent Darrell Dennis in the above case, 60CR-13-2207. Dennis received a life-without-parole sentence after a jury convicted him of capital murder. A notice of appeal and request for the transcribed record has been filed.

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 as follows: “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 Court of Appeals.”

Mr. Devine states in his motion that he is provided a full-time, state-funded secretary. We therefore grant his motion to be relieved as counsel. We appoint attorney William O.

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James, Jr., to represent the appellant. Our clerk is directed to set a new briefing schedule for the appeal.

Motion granted.