

Cite as 2009 Ark. 526

SUPREME COURT OF ARKANSAS

No. CR 09-1120

MELVIN LOCKHART, III
APPELLANTS,

VS.

STATE OF ARKANSAS,
APPELLEE,**Opinion Delivered** October 29, 2009MOTION TO BE RELIEVED AS
ATTORNEY FOR APPELLANT AND
STAY BRIEFING SCHEDULE

MOTION GRANTED.

PER CURIAM

Julia B. Jackson, a full-time, state-salaried public defender, was appointed by the trial court to represent Melvin Lockhart III in the captioned case. As reflected in the Judgment and Commitment Order entered on April 9, 2009, Lockhart was convicted of capital murder and theft of property and sentenced to life imprisonment without parole plus 180 months, to be served consecutively. A notice of appeal was filed on April 14, 2009, and the record has been filed with the Clerk of this court. Ms. Jackson now moves to be relieved as attorney for Lockhart 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

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Court or the Court of Appeals.”

Ms. Jackson states in her motion that she is provided with a full-time, state-funded secretary. Accordingly, we grant her motion to be relieved. Adam Hopkins will be substituted as counsel for Lockhart in this matter. The clerk is directed to establish a new briefing schedule.

Motion granted.