

SUPREME COURT OF ARKANSAS

No. CR11-872

CHAD LEE WHITE,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,**Opinion Delivered October 13, 2011**MOTION TO BE RELIEVED
AS ATTORNEY FOR
APPELLANT AND STAY
BRIEFING SCHEDULE.MOTION GRANTED**PER CURIAM**

Janette McKinney, a full-time, state-salaried public defender, was appointed by the trial court to represent Chad Lee White in the above captioned case. As reflected in the judgment and commitment order entered on March 17, 2011, White was convicted of Rape and Battery in the Second Degree and was sentenced to life imprisonment in the Arkansas Department of Correction. A notice of appeal was filed on March 25, 2011, and the record has been filed with the clerk of this court. Ms. McKinney now moves to be relieved as the attorney for White.

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 2011 Ark. 440

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

Motion granted.