

Cite as 2023 Ark. App. 347
ARKANSAS COURT OF APPEALS

No. CR-22-746

ROLANDO CUEVAS-FLORES
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered May 31, 2023

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. 04CR-21-1484]

HONORABLE BRAD L. KARREN,
JUDGE

MOTION FOR EXTENSION OF TIME
TO COMPLETE THE RECORD IS
GRANTED; SHOW-CAUSE ORDER
ISSUED

PER CURIAM

Rolando Cuevas-Flores moves this court to enforce a writ of certiorari previously issued on December 14, 2022, to Sharon L. Fields, who is the official court reporter for Circuit Judge Brad Karren. This is the fifth time the appellant has sought this court's intervention to procure a transcript of the circuit court proceedings and complete the record for his criminal appeal. Given Ms. Fields's failure to comply with the original writ and the subsequent extensions, we order her to appear before this court on July 17, 2023, at 10:00 a.m., in the courtroom of the Arkansas Supreme Court and Court of Appeals (Justice Building, 625 Marshall Street, Little Rock, Arkansas 72201), and show cause why she should not be held in contempt for failing to comply with this court's original writ of certiorari and numerous extensions.

On May 18, 2022, Cuevas-Flores filed a “Notice of Appeal and Designation of Record” with the Benton County Circuit Court (Second Division). That same day Cuevas-Flores ordered a transcript of the circuit court proceedings from Ms. Fields and made financial arrangements for its preparation. The record on appeal was initially due August 16, 2022. At Ms. Fields’s request, however, Cuevas-Flores moved to extend the time to complete the record. The circuit court granted the motion, and the record-completion deadline was extended to November 28, 2022. Ms. Fields subsequently informed defense counsel that she could not complete the transcript in time to meet the November 28 deadline given the second division’s docket and the demand for appeal records. Because Cuevas-Flores had already received the maximum extension circuit courts are authorized to give to complete records for an appeal (seven months from the date of the sentencing order), Cuevas-Flores filed a “Petition for Writ of Certiorari to Complete the Record” pursuant to Rule 3-5 of the Rules of the Arkansas Supreme Court and Court of Appeals. We granted the petition and ordered Ms. Fields to complete her task by January 13, 2023.

On January 12, at Ms. Fields’s request, defense counsel filed another motion and asked for seven additional days for the court reporter to complete her work. We granted that motion and moved the deadline to file the transcript to February 24. On February 22, and again at Ms. Fields’s request, defense counsel moved for another extension. We granted that motion and moved the deadline to March 24. On March 23, one day before the deadline, Ms. Fields emailed defense counsel and again asked for more time. In turn, counsel moved this court for more time to complete the record. We again granted Cuevas-

Flores's motion and moved the deadline to May 12. We also warned the failure to timely return the writ could result in a show-cause order. Then, on May 11, defense counsel received another request from Ms. Fields, stating that she needed more time for her to do her work. In the current round of motions, counsel asked us to move the transcript deadline from May 12 to June 12.

We grant counsel's request. The transcript is now due June 12, 2023. It is also time for a show-cause order.

Ms. Fields has repeatedly failed to comply with the original writ of certiorari we issued in mid-December 2022 and the many extensions given to her since. The designated transcript in a criminal appeal has been unavailable to the defendant for over five months in this court alone—tack on some seven months more given the time Cuevas-Flores waited in circuit court for the record to be compiled, and it has been more than one year since Cuevas-Flores filed his notice of appeal. That is an unacceptable delay and prejudices the administration of justice. Therefore, good cause exists for this show-cause order. See *James Tree & Crane Serv., Inc. v. Fought*, 2015 Ark. 6; *Ark. Blue Cross & Blue Shield v. Freeway Surgery Ctr.*, 2023 Ark. App. 25; *Woolford v. State*, 2022 Ark. App. 463.

SHARON L. FIELDS IS FURTHER NOTIFIED that her failure to appear on July 17, 2023, at 10:00 a.m., could result in the issuance of a bench warrant for her arrest, with directions to the appropriate law-enforcement authority to arrange for her delivery to this court so a show-cause hearing may be held.

Motion to extend the time to complete the record is granted; transcript due June 12, 2023; show-cause order issued; hearing scheduled for July 17, 2023, at 10:00 am.