

ARKANSAS COURT OF APPEALS

No. CR-23-191

GENE JACKSON		Opinion Delivered December 13, 2023
	APPELLANT	APPEAL FROM THE BENTON COUNTY CIRCUIT COURT [NO. 04CR-21-2470]
V.		HONORABLE BRAD KARREN, JUDGE
STATE OF ARKANSAS	APPELLEE	SPECIAL MASTER APPOINTED

PER CURIAM

Appellant Gene Jackson simultaneously filed a partial record and a petition for writ of certiorari to complete the record on March 21, 2023. This court granted the petition on April 12 and issued the writ for the court reporter, Sharon L. Fields, to complete the record by May 12. On May 11, at Fields’s request, Jackson filed another motion and asked for an additional thirty days for the court reporter to complete her work. We granted that motion and moved the deadline to file the transcript to June 30.

On June 26, and again at Fields’s request, Jackson moved for another extension. We granted that motion and moved the deadline to August 18. On August 18, Jackson again moved for more time to complete the record, and we extended the time to October 6, when Jackson again requested another extension. On November 1, we granted a fourth and final extension and extended the time for filing the record to December 1. We also ordered Fields

to appear before this court on December 5 to show cause why she should not be held in contempt for her failure to comply with the writ of certiorari and the numerous extensions previously ordered. *Jackson v. State*, 2023 Ark. App. 505.

The record was not completed and filed by the December 1 deadline.¹ On December 5, Fields appeared before this court, with counsel, and pleaded not guilty. At that time, this court advised her that it would appoint a special master to make findings of fact concerning this matter. See *James Tree & Crane Serv., Inc. v. Fought*, 2015 Ark. 48.

We hereby appoint the Honorable Phillip Whiteaker as special master to conduct a hearing, to make findings of fact,² and to file his findings with this court's clerk. Upon receipt of the special master's findings, we will issue an opinion.

It is so ordered.

¹On December 1, Jackson moved for a fifth extension of time to file the record. The next day, counsel untimely tendered the record, but because of deficiencies, it was rejected by the clerk's office. On December 3, Jackson petitioned for a writ of certiorari, stating that the record failed to include opening statements and voir dire, the latter of which was designated in Jackson's notice of appeal. Today, in a separate order, we grant Jackson's motion for an extension of time to file the record and his petition for a writ of certiorari.

²We request that the findings of fact include (1) the status of the record in this case and any other appeals involving Fields in which the records were not completed in a timely fashion, (2) the degree to which Fields has completed the records, (3) whether she should be expected to complete the records in a reasonable time or whether it might be necessary for another court reporter to assume the task of completing records, (4) whether Fields is in possession of any unearned fees if the special master should find that she cannot complete the records in a reasonable time, and (5) any additional findings that the special master deems relevant to the contempt-related issue before the court.