

Dr. John SMITH, Vice President for Student
Affairs, UCA, et al. v. Heather A. DENTON

93-580

855 S.W.2d 322

Supreme Court of Arkansas
Opinion delivered June 14, 1993

APPEAL & ERROR — ISSUING A STAY — APPELLATE COURT HAS DISCRETIONARY AUTHORITY — CONSIDERATIONS. — Ark. Sup. Ct. R. 8 deals with supersedeas bond upon staying a trial court order, but does not provide a standard by which to consider a requests for a stay; however, the implication is that the appellate court has discretionary authority to issue a stay; consideration of a motion to stay includes preservation, if possible, of the status quo ante and the matter of prejudicial effect of the passage of time necessary to decide the case.

Motion for Stay Pending Appeal denied.

Mary B. Stallcup of UCA, for appellant.

Hartie & Collier, by: *Linda P. Collier*, for appellee.

PER CURIAM. The appellee, Heather A. Denton, was suspended by the University of Central Arkansas (UCA) for violation of its policy prohibiting possession of firearms on the UCA campus. The Faulkner Chancery Court found the rule pursuant to which Ms. Denton was punished to be unconstitutional and stated that any attempt by UCA to enforce the rule after April 16, 1993, would be punishable as contempt.

UCA asks us to stay the Chancery Court's order, contending that our refusal to do so will leave it with no enforceable policy restricting possession of firearms on its campus. Ms. Denton responds that we are unlikely to reverse the order and if we stay it she will be harmed by being prevented from registering at UCA in the fall and thus lose her academic scholarship and valuable education time.

[1] Rules of the Arkansas Supreme Court and Court of Appeals 8. deals with supersedeas bond upon staying a trial court order. The Rule does not provide a standard by which we are to consider requests for such stays, but the implication is that we have discretionary authority to issue a stay. We have done so in the past, and often without comment we have issued such orders. Our consideration of a motion to stay includes preservation, if possible, of the status quo ante and the matter of prejudicial effect of the passage of time necessary to decide the case here.

The motion to stay the judgment is denied.

HAYS and BROWN, JJ., dissent.

ROBERT L. BROWN, Justice, dissenting. I would grant the temporary stay and expedite the appeal for consideration of this matter on the merits.

HAYS, J., joins.