

Calvin Lamont WALKER v. STATE of Arkansas

CA CR 04-456

200 S.W.3d 442

Supreme Court of Arkansas
Opinion delivered December 16, 2004

CONTEMPT — ORDER ISSUED — Where appellant's counsel filed a timely notice of appeal from appellant's judgment of conviction, but he failed to file the record with the supreme court in order to perfect the appeal, and the appointed master concluded that no reasonable cause had been shown for counsel's failure to perfect appellant's appeal, counsel was held to be in contempt of court for failing to perfect the appeal on appellant's behalf; a fine of \$250.00 plus the court reporter expenses incurred by the court as a result of the hearing before the Special Master was assessed; counsel was given thirty days from the date of this *per curiam* in which to pay the total sum owed

Contempt order issued.

Darrell Brown, for R. S. McCullough.

No response.

PER CURIAM. By *per curiam* opinion delivered May 20, 2004, R.S. McCullough, counsel for appellant, Calvin Lamont Walker, was ordered to appear before this court on June 3, 2004, to show cause why he should not be held in contempt for his failure to perfect this appeal. *Walker v. State*, No. CR 04-456 (May 20, 2004). Although Mr. McCullough filed a timely notice of appeal from Walker's conviction judgment, he failed to file the record with this court in order to perfect Walker's appeal. *Id.*

Mr. McCullough appeared before this court on June 3, 2004, and entered a plea of not guilty to the contempt citation. We appointed a master, Hon. John E. Jennings, to determine the facts in this case. *Walker v. State*, No. CR 04-456 (June 10, 2004). On November 30, 2004, Judge Jennings issued his Report of Special Master in which he found "no good reason for Mr. McCullough's failure to obtain a certified partial record nor his failure to pursue the application to have Mr. Walker declared indigent." He further found "no reason at all for Mr. McCullough's failure to respond to the efforts by the clerk to try to resolve the problem." In sum, Judge Jennings concluded that no reasonable cause had been shown for Mr. McCullough's failure to perfect Walker's appeal.

[1] Based on the foregoing, we hold that Mr. McCullough is in contempt of court for failing to perfect this appeal on behalf of Calvin Lamont Walker. We assess a fine of \$250.00 plus the court reporter expenses incurred by this court as a result of the hearing before the Special Master. The total amount assessed shall be paid within thirty days from the date of this *per curiam*. A copy of this order will be forwarded to the Committee on Professional Conduct.