

Leonard BURRIS, et al *v.*
Honorable Henry BRITT, Special Judge

83-219

667 S.W.2d 367

Supreme Court of Arkansas
Opinion delivered April 9, 1984

Motion to Retax the Costs and to Amend the Mandate;
granted.*

No response by petitioners.

Steve Clark, Atty. Gen., by: *Kay J. Jackson Demailly*,
Asst. Atty. Gen., for respondent.

PER CURIAM. Respondent's motion to retax the costs
and to amend the mandate is granted. The State is relieved
from paying costs.

PURTLE, J., dissents.

JOHN I. PURTLE, Justice, dissenting. I think the court is
wrong in retaxing the costs against the winning party. Just
because the costs should not be taxed against Judge Britt or
the State of Arkansas does not mean that the prevailing party
should have to pay it pursuant to Ark. Stat. Ann. § 27-2320.
In fact my reading of this statute clearly indicates that the
clerk shall forfeit the fees in this case.

We have a related serious problem with prevailing
parties in this court, being unable to collect costs. This
problem is represented by the per curiam handed down this
date in case No. 82-233. The taxation of costs against a losing
party in this court is usually paid but no entry of satisfaction
is ever made. This may give the appearance of an unsatisfied
judgment.

If we are unable to enforce our judgments and satisfy
our records then we should request the General Assembly to
remedy the situation for us.

*The opinion on the merits of this case appears in 281 Ark. at 225, 663
S.W.2d 715 (1984).