

J. C. "Buddy" JOHNSON *v.* STATE of Arkansas;
and Cecil A. TEDDER, White County Circuit Judge

CR 85-53

686 S.W.2d 443

Supreme Court of Arkansas
Opinion delivered April 1, 1985

Petition for Writ of Prohibition; petition denied.

Paul Petty, for petitioner.

No response filed for respondents.

Petition for Writ of Prohibition is denied.

PURTLE and NEWBERN, JJ., would grant.

JOHN I. PURTLE, Justice, dissenting. I would grant the writ because I think all parties are entitled to know whether they are trying a misdemeanor or a felony. The time and money saved is great if we hold that the offense is a misdemeanor. On the other hand, if we hold it is a felony no one is injured because all trial courts have plenty of cases to try without these. Needless to say an accused will not suffer harm unless he is being held in custody awaiting trial.

NEWBERN, J., joins in this dissent.