

Oliver DUDLEY v. STATE of Arkansas

CR 85-183

697 S.W.2d 912

Supreme Court of Arkansas
Opinion delivered October 28, 1985

APPEAL & ERROR — WRIT OF CERTIORARI GRANTED. — Where the petition contains allegations that the court reporter has refused to transcribe the trial testimony, the petition for writ of certiorari to complete the record was granted and the matter referred to the Supreme Court Board of Certified Court Reporters.

Petition for Writ of Certiorari to Complete the Record; granted.

Law Offices of Jim Lyons, by: *Scott Emerson* and *Scott Davidson*, for appellant.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for appellee.

PER CURIAM. [1] Appellant's petition for writ of certiorari is granted. Because the petition contains allegations that the court reporter, Ms. Ralphalene Forbis, has refused to transcribe the trial testimony, we are referring this matter to the committee on Supreme Court Board of Certified Court Reporters for whatever action it may deem appropriate.

PURTLE, J., not participating.

Avery Nathan RICHARDSON v. STATE of Arkansas

697 S.W.2d 913

Supreme Court of Arkansas
Opinion delivered October 28, 1985

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the record was tendered late due to a mistake on his part is good cause to grant a motion for rule on the clerk. Motion for Rule on the Clerk; granted.

Carl J. Madsen, for appellant.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for appellee.

PER CURIAM. Appellant, Avery Nathan Richardson, by his attorney, has filed for a rule on the clerk.

His attorney, Carl J. Madsen, admits that the record was tendered late due to a mistake on his part.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, In Re: Belated Appeal in Criminal Cases, 265 Ark. 964.

A copy of this opinion will be forwarded to the Committee on Professional Conduct.

PURTLE, J., not participating.
