

Robin K. SCHLESIER *v.* STATE of Arkansas

CR 97-399

949 S.W.2d 892

Supreme Court of Arkansas
Opinion delivered September 11, 1997

1. APPEAL & ERROR — MOTION FOR EXTENSION OF TIME TO FILE RECORD OF TESTIMONY — COURT REPORTER'S FAILURE TO COMPLY WITH WRIT OF CERTIORARI GOOD CAUSE FOR GRANTING. — The supreme court held that a court reporter's failure to comply with a writ of certiorari was good cause to grant appellant's motion for extension of time to file the record of testimony and granted the motion pending the court reporter's compliance with the writ.
2. CONTEMPT — SHOW-CAUSE ORDER ISSUED TO COURT REPORTER. — The supreme court ordered a court reporter who had failed to comply with a writ of certiorari to appear and to show cause why she should not be held in contempt of the court for her failure to comply in a timely manner with the command of the writ.

Motion for Extension of Time and Further Instruction; granted.

Order to Appear and Show Cause issued.

Gruber Law Firm, by: *Wayne A. Gruber*, for appellant.

No response.

PER CURIAM. Appellant Robin K. Schlesier, by his attorney, Wayne A. Gruber, has filed a motion for extension of time, and for further instruction.

On May 27, 1997, Appellant filed a Petition for Writ of Certiorari to complete the record. By *Per Curiam* Order dated June 16, 1997, Appellant's Petition for Writ of Certiorari was granted. The Writ of Certiorari was issued to the Monroe County Circuit Clerk and to the Court Reporter, Nila J. Keels, returnable on July 16, 1997.

On July 17, 1997, the Monroe County Circuit Clerk filed an affidavit in which she averred that the court reporter, Nila J. Keels,

failed to file the record of testimony in her office as commanded in the Writ of Certiorari.

We find that the court reporter's failure to comply with the Writ of Certiorari issued on June 16, 1997, is good cause to grant Appellant's motion for extension of time to file the record of testimony.

[1] The motion is, therefore, granted until such time as the court reporter complies with the Writ of Certiorari issued on June 16, 1997.

[2] Nila J. Keels is also ordered to appear before this court on the 25th day of September, 1997, at 9:00 a.m. to show cause why she should not be held in contempt of this court for her failure to comply in a timely manner with the command of the Writ of Certiorari issued on June 16, 1997.
