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SUPREME COURT OF ARKANSAS

No. CR-16-574

JOHN RICHARD LUKACH

Opinion Delivered: August 2, 2018

PETITIONER

PETITIONER’S MOTION FOR
HEARING TO HAVE WRIT OF
CERTIORARI FILED AND
RULED ON, WITH MOTION
FOR RULE ON THE CLERK

V.

STATE OF ARKANSAS

RESPONDENT

DISSENTING OPINION.

JOSEPHINE LINKER HART, Associate Justice

I dissent; this court should grant Lukach’s motion, which seeks only to compel the Clerk to file his pro se petition for writ of certiorari. Lukach already tendered his pro se petition for writ of certiorari to the clerk, but in its letter to Lukach dated June 19, 2018, the Office of the Criminal Justice Coordinator (“CJC”) refused, without explanation, to file Lukach’s documents. With regard to Lukach’s petition, the CJC’s letter only stated:

Your tendered pro se petition for writ of certiorari was received but was not filed. It is being returned to you.

In my view, this is unacceptable. There is no legitimate reason apparent from the record why the petition should not have been filed, and Lukach is being denied his fundamental right of access to the courts. Accordingly, I would grant Lukach’s motion and compel the clerk to file the documents Lukach has tendered for this court’s consideration.