

SUPREME COURT OF ARKANSAS

No. CR11-271

MICHAEL DEWAYNE GULLEY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE**Opinion Delivered** September 6, 2012UPON RETURN OF SPECIAL
MASTER'S FINDINGS OF FACTCONTEMPT CITATIONS ISSUED.**PER CURIAM**

By per curiam dated February 23, 2012, we ordered attorneys Terrence Cain (Cain) and Ronald Lavel Davis, Jr. (Davis) to appear before this court to show cause why they should not be held in contempt for failing to file their client's brief by the June 9, 2011 deadline or at any time in the eight months following the deadline. *Gulley v. State*, 2012 Ark. 77 (per curiam). Both appeared and pled not guilty. We appointed the Honorable John Lineberger as master to make findings of fact and file them with this court. *Gulley v. State*, 2012 Ark. 110 (per curiam).

On August 16, 2012, Judge Lineberger issued his Report and Findings by Master in which he noted that he was impressed with the demeanor, candor, and responsiveness of both Davis and Cain. Nevertheless, Judge Lineberger also found that "Davis and Cain's suggestions of plausible reasons or justifications for their tardiness are without merit. They found the time to work on other client's cases, prepare and file briefs, petitions, etc. in other courts, and

attend seminars (Cain) while neglecting their obligations to Mr. Gulley and to this Court.” He concluded that such acts demonstrated disrespect for this court and recommended that both attorneys should be held in contempt.

Based on the foregoing, we hold both Ronald Lavel Davis, Jr. and Terrence Cain in contempt and assess a fine of \$500 each, plus the court-reporter expenses incurred by this court as a result of the hearing before the special master. The court-reporter expenses are to be divided evenly between the two attorneys. The total amount assessed to each attorney shall be paid within thirty days of the date of this per curiam. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

DANIELSON, J., dissents.

PAUL E. DANIELSON, Justice, dissenting. Because I believe this court would be better served in allowing our Committee on Professional Conduct to decide such matters, I respectfully dissent.