

COURT OF APPEALS OF ARKANSAS

Thomas Whitt v. State of Arkansas

Whitt, 2025 Ark. App. 588 (Ark. Ct. App. 2025) · No. CR-25-709 · Decided December 3, 2025

SUMMARY

The Arkansas Court of Appeals addresses a motion for rule on clerk in Thomas Whitt's criminal appeal. In a concurring opinion, Judge Brandon J. Harrison criticizes recurring failures by defense counsel to timely file appellate records and notices of appeal, and states that referrals to appropriate authorities may increase.

OPINION

PER CURIAM.

Cite as 2025 Ark. App. 588 ARKANSAS COURT OF APPEALS No. CR-25-709 THOMAS WHITT Opinion Delivered December 3, 2025 APPELLANT APPEAL FROM THE SEVIER V. COUNTY CIRCUIT COURT [NO. 67CR-24-25] STATE OF ARKANSAS APPELLEE HONORABLE BRYAN CHESSHIR, JUDGE MOTION FOR RULE ON CLERK CONCURRING OPINION BRANDON J. HARRISON, Judge Dear Criminal Defense Lawyers: Please Do Better.

The lack of care shown to jurisdictional details, like the rather mundane but critical task of filing a record on appeal on time, is ballooning to the point of bursting. Just look at a few months' worth of the syllabi, and the case is made. Examine closely two years' worth of syllabi and one can justifiably wonder what took a judge so long to speak up. A second concern that is occurring more frequently is the failure to file a timely notice of appeal when directed to do so.

Most failures to complete these professional obligations are not egregious—but rest assured an increasing number of them are so; and they surely prejudice defendants who have a right to a timely direct appeal. Referrals to the appropriate authority will increase if this trend is not arrested, and quickly so. You are on notice. I take no pleasure in this opinion; but my duty (as I see it anyway) demands that I communicate loudly and clearly enough to, hopefully, make a difference.

For everyone's sake. Having said all this, I join the court's decision to grant the motion for rule on clerk. 2