

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

**IN RE: DENNIS RAE MOLOCK
ARKANSAS BAR No. 79211
CPC DOCKET No. 2013-058**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by a referral from the Arkansas Supreme Court in the case of Demarlon Coakes v. State of Arkansas, CR 2013-672. The referral related to the representation of Mr. Coakes by Mr. Molock in 2013.

Demarlon Coakes was charged with aggravated assault (two counts), battery-first degree, possession of marijuana with the purpose of delivering, and fleeing. Mr. Coakes was represented by private counsel at first, then terminated the representation, and waived counsel. Mr. Coakes represented himself at trial and was found guilty on all charges. Mr. Coakes was sentenced to a term of 192 months in the Arkansas Department of Correction and a sentencing order was entered on December 19, 2012. An amended sentencing order was entered on January 9, 2013.

The trial court directed Dennis Molock, Public Defender for the Eleventh Judicial Circuit, to file a notice of appeal on behalf of Mr. Coakes. Mr. Molock filed a timely notice of appeal and requested an extension of time to file the record with the Arkansas Supreme Court Clerk. The request was granted and stated that Mr. Molock had until August 7, 2013 to file the record with the clerk. Rule 5 of the Arkansas Supreme Court Rules of Appellate Procedure–Civil, permits the trial court to extend the time for filing the record on appeal. Rule 5(b)(2) allows the trial court to extend the time to no more than seven months from the date of the entry of the judgment. As the sentencing order was entered on December 19, 2012, the trial court could only

extend the time for filing the transcript to July 19, 2013. On July 30, 2013, Mr. Molock tendered the record to the Arkansas Supreme Court Clerk along with a Motion for Belated Appeal. Mr. Molock also self-reported his conduct to the Office of Professional Conduct by letter dated July 30, 2013.

On September 12, 2013, the Arkansas Supreme Court treated the Motion for Belated Appeal as a Motion for Rule on the Clerk and granted the request. The court then referred the matter to the Office of Professional Conduct.

Following receipt of a Complaint filed by the Office of Professional Conduct, Mr. Molock proposed a consent to discipline pursuant to Section 20.B of the Procedures of the Committee. Mr. Molock admitted his conduct violated Rule 1.3 and 8.4(d) of the Arkansas Rules of Professional Conduct and that he was willing to accept the sanction of a Caution and a fine of Four Hundred Dollars (\$400.00).

Mr. Molock stated that he is the only public defender in the Eleventh Judicial Circuit-East and that he has the sole responsibility of representing all persons in the judicial district who require appointed counsel. Mr. Molock added that Mr. Coakes was not a client he represented at trial but a person for whom he was asked by the trial court to prepare the documents necessary to allow Mr. Coakes to appeal his conviction. Mr. Molock further provided that he prepared the order and computed the time for the deadline to file the record incorrectly.

Upon consideration of the formal complaint and attached exhibit materials, the consent proposal, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Dennis R. Molock violated Model Rule 1.3 when he failed to lodge the record from

Mr. Coakes's trial with the Arkansas Supreme Court Clerk within the seven month period following the entry of the December 19, 2012, sentencing order. Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

2. Dennis Rae Molock violated Model Rule 8.4(d) when he failed to lodge the record of the lower court proceedings within the time permitted under Rule 5(b)(2) of the Rules of Appellate Procedure-Civil, on behalf of Mr. Coakes resulted in a delay in the orderly and timely resolution of appellate proceedings. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that DENNIS RAE MOLOCK, Arkansas Bar ID No. 79211, be, and hereby is, CAUTIONED; fined the sum of Four Hundred Dollars (\$400.00); and, assessed costs in the amount of Fifty Dollars (\$50.00) for her conduct in this matter. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By: _____
Henry Hodges, Chair, Panel B

Date: _____