

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CACR10-680

JEWEL GOLDSBERRY, JR.  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

Opinion Delivered September 21, 2011

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
SEVENTH DIVISION  
[NO. CR-09-1527]

HONORABLE BARRY SIMS, JUDGE

REMANDED FOR CORRECTION  
and SUPPLEMENTAL RECORD

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## WAYMOND M. BROWN, Judge

A Pulaski County jury found appellant Jewel Goldsberry guilty of sexual assault in the second degree. He was sentenced to twenty years' imprisonment. Goldsberry argues on appeal that the trial court erred (1) by not including his proffered jury instruction and (2) by admitting testimony that he attempted to hang himself into evidence. We are unable to reach the merits of Goldsberry's arguments at this time.

Goldsberry was tried and convicted of sexual assault in the second degree; however, the judgment and commitment order filed of record reflects that he was convicted of rape. This court can sua sponte direct that this misstatement be corrected by filing a certified, supplemental record.<sup>1</sup> Accordingly, we remand the case to the circuit court to correct and

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<sup>1</sup>Ark. R. App. P. –Civ. 6(e) (as made applicable to criminal cases by Ark. R. App. P. –Crim. 4(a)); see *Moss v. State*, 2010 Ark. App. 721.



supplement the record. Also, if there was a written motion to extend the time to file the record on appeal, it should be included in the record. Goldsberry has thirty days from today to file a supplemental record.

Ark. Sup. Ct. R. 4-2(a)(8)<sup>2</sup> provides that jury-verdict forms are to be included in the addendum when there is a jury trial. The rule also states that any order extending the time to file the record on appeal should be included. Here, Goldsberry has failed to provide both the jury-verdict forms and the order extending the time to file his record on appeal in the addendum. He has seven days after the record is supplemented to file a supplemental addendum.<sup>3</sup> We strongly encourage appellate counsel, prior to filing the supplemental addendum, to review our rules as well as the record and addenda to ensure that no additional deficiencies are present.

Remanded to correct and supplement the record.

VAUGHT, C.J., and HOOFFMAN, J., agree.

*The Law Office of Darrell F. Brown, Jr.*, by: *Darrell F. Brown, Jr.*, for appellant.

*Dustin McDaniel*, Att’y Gen., by: *John T. Adams*, Ass’t Att’y Gen., for appellee.

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<sup>2</sup>(2011).

<sup>3</sup>Ark. Sup. Ct. R. 4-2(b)(4). See *In re 4-2(b)(4) of the Rules of the Supreme Court and Court of Appeals*, 2011 Ark. 141.