

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR12-784

DONNIE R. ROBINSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered MARCH 6, 2013

APPEAL FROM THE DREW
COUNTY CIRCUIT COURT
[NO. CR-11-127-1]

HONORABLE SAM POPE, JUDGE

REMANDED

BILL H. WALMSLEY, Judge

Appellant Donnie Robinson appeals from the judgment and commitment order entered June 22, 2012. This judgment shows that appellant was convicted by a Drew County jury of driving while intoxicated (DWI) and refusal to submit to a chemical test. The judgment shows that, for the DWI conviction, appellant was sentenced to the county jail and received a suspended imposition of sentence. However, the judgment also reflects that appellant was acquitted of this charge, and the jury-verdict form in the record shows that the jury found appellant not guilty of DWI.

When there is an apparent discrepancy between the jury verdict and the judgment and commitment order, it is appropriate to reinvest jurisdiction with the trial court to correct the discrepancy. *McCastle v. State*, 2011 Ark. App. 345. When necessary, the trial court can enter an order nunc pro tunc at any time to correct clerical errors in a judgment or order. *Massey v. State*, 2010 Ark. App. 683. We remand this case to the trial court with instructions to settle

the record and to enter a corrected judgment and commitment order. Once the record is supplemented, appellant will be obligated to supplement the addendum with the new judgment and commitment order. *McCastle, supra*.

Remanded.

GLOVER and BROWN, JJ., agree.

John F. Gibson, Jr., for appellant.

Dustin McDaniel, Att’y Gen., by: *Lauren Elizabeth Heil*, Ass’t Att’y Gen., for appellee.