

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-12-724

OLIVIA MOODY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 19, 2013

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. CR-2011-377-1-5]

HONORABLE JODI DENNIS, JUDGE

REMANDED TO CORRECT AND
SUPPLEMENT THE RECORD

BRANDON J. HARRISON, Judge

A Jefferson County jury found appellant Olivia Moody guilty of second-degree murder. Ark. Code Ann. § 5-10-103 (Repl. 2009). She was sentenced to 360 months' imprisonment. Moody argues on appeal that the circuit court erred by (1) permitting the State to cross-examine her about a Facebook post, (2) admitting text messages from her phone, (3) limiting cross-examination of a State witness in violation of her Sixth Amendment rights, (4) abusing its discretion because it failed to submit her proffered instruction to the jury, and (5) denying her directed-verdict motion because the State failed to negate her justification defense.

The trial transcript indicates that written instructions were sent with the jury as it began deliberating. There is also a handwritten note in the record showing that the jury asked the court three questions, to which the court responded, "You must refer to the jury instructions." The record we have contains no written jury instructions, and we need

them to make an informed decision in this case. We therefore direct Moody to correct this deficiency by filing a certified, supplemental record containing all the jury instructions the court gave in this case. *Moss v. State*, 2010 Ark. App. 721. Moody has thirty days from this opinion's date to file the certified, supplemental record with our clerk's office, and she has seven calendar days after the supplemental record is filed with the clerk of this court to file a supplemental addendum.

Remanded to correct and supplement the record.

BROWN and HIXSON, JJ., agree.

McKissic & Associates, PLLC, by: *Gene E. McKissic, Sr.*, for appellant.

Dustin McDaniel, Att'y Gen., by: *Kent G. Holt*, Ass't Att'y Gen., for appellee.