

# ARKANSAS COURT OF APPEALS

DIVISION II  
No. CACR09-933

CORNELIUS JOSEPH McCASTLE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** February 16, 2011

APPEAL FROM THE ARKANSAS  
COUNTY CIRCUIT COURT,  
NORTHERN DISTRICT  
[NO. CR-08-175]

HONORABLE DAVID G. HENRY,  
JUDGE

REMANDED WITH  
INSTRUCTIONS

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## JOSEPHINE LINKER HART, Judge

Cornelius Joseph McCastle was found guilty in an Arkansas County jury trial of possession of cocaine, for which he received a sentence of seventeen years in the Arkansas Department of Correction. However, the judgment and commitment order recites that McCastle was convicted of possession of cocaine *with intent to deliver*. Although McCastle challenges on appeal the sufficiency of the evidence and the trial court's decision to admit the drug analysis report into evidence, he has also filed a motion asking us to reinvest jurisdiction in the trial court to correct the judgment and commitment order. We grant McCastle's motion and reinvest jurisdiction with the trial court to hear McCastle's petition to correct the judgment and commitment order. We defer considering his appeal on the merits until McCastle files a supplemental record.

Cite as 2011 Ark. App. 119

When there is an apparent discrepancy between the jury verdict and the judgment and commitment order, it is appropriate for the appellant to move to reinvest jurisdiction with the trial court to correct the discrepancy. *Massey v. State*, 2010 Ark. App. 683. Further, we note that the Arkansas Supreme Court has stated that, when necessary, the circuit court can enter an order nunc pro tunc at any time to correct clerical errors in a judgment or order. *State v. Rowe*, 374 Ark. 19, 285 S.W.3d 614 (2008). We therefore remand to the trial court with instructions to hear McCastle's petition to correct the judgment and commitment order.

Remanded with instructions.

WYNNE and BROWN, JJ., agree.