

Kenneth Roland WALKER v. STATE of Arkansas

CR 87-4

724 S.W.2d 160

Supreme Court of Arkansas
Opinion delivered February 20, 1987

CRIMINAL PROCEDURE — POST-CONVICTION RELIEF — FAILURE TO COMMUNICATE PLEA BARGAIN — FAILURE TO FILE REQUESTED AFFIDAVIT OF PROSECUTOR — CASE REMANDED FOR HEARING. — Where petitioner claimed in part that his trial counsel failed to communicate a plea bargain offer from the prosecuting attorney, and the appellate court directed the attorney general to furnish it with an affidavit from the prosecuting attorney on the matters pertaining to plea negotiations with petitioner's attorney, which he did not file, the case was remanded to the trial court for a hearing on this issue only.

Petition for Permission to Proceed in the Trial Court Pursuant to Ark. R. Crim. P. 37; granted.

Witt Law Firm, P.C., by: *Ernie Witt*, for appellant.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for appellee.

PER CURIAM. Petitioner, Kenneth Roland Walker, filed with this court on January 9, 1987, a petition for permission to proceed pursuant to Ark. R. Crim. P. 37. He claimed in part in his petition, that his trial counsel failed to communicate a plea bargain offer from the prosecuting attorney.

On January 26, 1987, this court directed the attorney general to furnish us with an affidavit from the prosecuting attorney on the matters pertaining to plea negotiations with Walker's trial attorney. This has not been done.

[1] Accordingly, we remand this petition to the trial court for a hearing on this issue only.