

It is my opinion that this petition should be granted in order that we might at least know the basis of our decision. I cannot agree that Rule 37 is an improper vehicle to attack a sentence in this manner.

Billy GRISSO v. STATE of Arkansas

CR 88-84 763 S.W.2d 661

Supreme Court of Arkansas
Opinion delivered February 6, 1989

APPEAL & ERROR — COMPLETE FAILURE TO ABSTRACT. — Because of a complete failure to abstract, appellant's appeal, from a denial of Ark. R. Crim. P. 37 relief, was affirmed.

Appeal from Pulaski Circuit Court, Fourth Division; *John Langston*, Judge; affirmed.

Appellant, pro se.

Steve Clark, Att'y Gen., by: *J. Brent Standridge*, Asst. Att'y Gen., for appellee.

DARRELL HICKMAN, Justice. [1] This appeal, from a denial of Rule 37 relief, is affirmed because of a complete failure to abstract the record. *Bryant v. Lockhart*, 288 Ark. 302, 705 S.W.2d 9 (1986). It also involves an untimely petition filed beyond the three year limit, A.R.Cr.P. Rule 37.2(c), and it is a second petition for postconviction relief. *Collins v. State*, 280 Ark. 312, 657 S.W.2d 546 (1983).

Affirmed.