

Terrance ROBINSON and
Tamagum Antonio Robinson
v. STATE of Arkansas

CR 01-351

60 S.W.3d 484

Supreme Court of Arkansas
Opinion delivered December 6, 2001

APPEAL & ERROR — ORDER TO RECONSTRUCT RECORD — LOST TRIAL
EXHIBITS AGAIN ORDERED RECONSTRUCTED. — Where the attor-
neys of record had been directed to reconstruct the record on
appeal, including trial exhibits, and to certify by affidavit that the
full record with transcript and exhibits was accurate and complete,

but the attorney for appellants filed only a "Certification" and stated that the trial transcript was complete but that the thirteen trial exhibits were presumed lost, and the deputy prosecuting attorney filed an affidavit approving the trial transcript and stating that he would attempt to reconstruct the exhibits if requested, the supreme court again directed counsel of record to reconstruct the trial exhibits, as they appear pertinent to the appeal, and to certify the same to the court by affidavit.

Roy Lewellen, for appellants.

No response.

PER CURIAM. On October 11, 2001, this court issued a *per curiam* directing the Supreme Court Clerk to accept a substituted copy of the trial transcript in this matter when all of the attorneys of record certify to the Clerk by affidavit that the trial transcript is true, accurate, and complete. *Robinson v. State*, 346 Ark. 266, 57 S.W.2d 162 (2001) (*per curiam*). We further directed the attorneys of record to reconstruct the record in the appeal, *including trial exhibits*, and certify in the same affidavit that the full record with the transcript and exhibits is accurate and complete. *Id.*

On October 26, 2001, attorney for the appellants filed a "Certification" and stated that the trial transcript was complete but that the thirteen trial exhibits are "presumed lost." On November 7, 2001, the deputy prosecuting attorney filed an affidavit approving the trial transcript and stating in part: "If requested, I will attempt to reconstruct the trial exhibits."

[1] We *again* direct counsel of record to reconstruct the trial exhibits, as they appear pertinent to this appeal, and certify the same to this court by affidavit. See Ark. R. App. P.—Civ. 6(d); Ark. R. App. P.—Crim. 4(a). This must be done within thirty days from the date of this *per curiam*.

IMBER, J., not participating.