

Obdulio Martinez ESCANDON *v.* STATE of Arkansas

CR. 01-1249

61 S.W.3d 843

Supreme Court of Arkansas  
Opinion delivered December 13, 2001

1. APPEAL & ERROR — PETITION FOR WRIT OF CERTIORARI TO COMPLETE RECORD FOR CRIMINAL APPEAL — GRANTED. — Where appellant timely filed a notice of appeal and requested a copy of the transcript from the court reporter, and the transcript was not completed, appellant petitioned for a writ of certiorari directing the court reporter to immediately produce the transcript; the reporter in this case was not a certified or licensed court reporter, but because this was a criminal case, the writ was granted.
2. APPEAL & ERROR — COURT REPORTER NOT CERTIFIED — CIRCUIT JUDGE DIRECTED TO SUPERVISE REPORTER'S COMPLETION OF RECORD. — Because this is a criminal case, and the court reporter was not certified, the circuit judge was directed to supervise the reporter's completion of the record and to take whatever action necessary to secure a prompt certification of a complete record for appeal.
3. APPEAL & ERROR — CLERK DIRECTED TO ACCEPT TRANSCRIPT IN CRIMINAL CASE CONDITIONED ON DIRECTIONS — ATTORNEYS OF RECORD MUST CERTIFY THAT TRANSCRIPT IS TRUE, ACCURATE, & COMPLETE. — The supreme court clerk was directed to accept the transcript, despite the fact that the reporter was not a licensed or certified court reporter, provided that the attorneys of record certify to the supreme court clerk, by affidavit, that the transcript is a true, accurate, and complete record of the proceedings.

Petition for Writ of Certiorari to Complete the record; petition granted.

*Charles E. Ellis*, for appellant.

No response.

**P**ER CURIAM. Appellant Obdulio Martinez Escandon, by and through his attorney, Charles E. Ellis, has petitioned this court for a writ of certiorari to complete the record for his appeal. Appellant was convicted of first-degree murder in Mississippi County and was sentenced to forty years' imprisonment. On May 4, 2001, Appellant timely filed a notice of appeal and

requested a copy of the transcript from the court reporter. A subsequent extension of time to prepare the transcript was granted by the trial court on July 10, 2001. To date, the transcript has not been completed. Appellant now seeks a writ of certiorari directing the court reporter to immediately produce the transcript.

[1, 2] The court reporter who transcribed the proceedings in this case is Nila Keels. This court has already addressed, in two previous opinions, the fact that Ms. Keels is not a certified or licensed court reporter in this state. See *George v. State*, 346 Ark. 22, 53 S.W.3d 526 (2001) (*per curiam*); *Mitchell v. State*, 345 Ark. 359, 45 S.W.3d 846 (2001) (*per curiam*). Because this is a criminal case, however, we grant the writ. We direct the Honorable Judge Victor Hill, of the Mississippi County Circuit Court, Chickasawba District, to supervise Ms. Keels's completion of the record and to take whatever action necessary to secure a prompt certification of a complete record for appeal.

[3] We further direct the Supreme Court Clerk to accept the transcript in this case, despite the fact that Ms. Keels is not a licensed or certified court reporter, provided that the attorneys of record in this case certify to our clerk, by affidavit, that the transcript is a true, accurate, and complete record of the proceedings.

Petition granted.

IMBER, J., not participating.