

Clance Sidney ALEXANDER *v.* STATE
of Arkansas

CR 76-133

545 S.W. 1d 606

Opinion delivered December 20, 1976
(In Banc)
[Reported in 260 Ark. at 785.]

Rehearing denied February 7, 1977

JOHN A. FOGLEMAN, Justice, dissenting on denial of petition for rehearing. I would grant the rehearing to the extent of treating the appeal as a petition for certiorari and considering the issue on its merits.

I am authorized to state that Mr. Justice Byrd joins me in this.