

Michael GILMER v. STATE of Arkansas

CR 91-111

824 S.W.2d 343

Supreme Court of Arkansas
Opinion delivered March 2, 1992

APPEAL & ERROR — FAILURE TO ABSTRACT THE RECORD — APPELLATE COURT WILL NOT REACH MERITS. — Where appellant completely failed to abstract the record, the appellate court could not review the circumstances surrounding the introduction of appellant's prior conviction, nor could they ascertain what evidence was before the trial court at appellant's revocation hearing; the appellate court will not entertain an appeal which completely ignores the abstract requirement.

Appeal from Crittenden Circuit Court; *David Burnett*, Judge; affirmed.

Roger McMillan, for appellant.

Winston Bryant, Att'y Gen., by: *Clementine Infante*, Asst. Att'y Gen., for appellee.

DONALD L. CORBIN, Justice. Appellant Michael Gilmer was convicted by a Crittenden County jury of being a felon in possession of a firearm. The jury sentenced appellant to twelve years imprisonment, and the court sentenced appellant to an additional twenty years upon revocation of a previously imposed ten year suspended sentence for appellant's prior burglary conviction. Appellant argues two points for reversal: 1) that the trial court erred in allowing the state to introduce appellant's prior felony convictions; and, 2) that the trial court erred in sentencing appellant to twenty years upon revocation of a previously suspended ten year sentence on appellant's prior burglary conviction.

[1] We do not reach the merits of appellant's arguments because of his complete failure to abstract the record. *Grisso v. State*, 297 Ark. 546, 763 S.W.2d 661 (1989); *Bryant v. Lockhart*, 288 Ark. 302, 705 S.W.2d 9 (1986). In the absence of an abstract, we cannot review the circumstances surrounding the introduction of appellant's prior conviction, nor can we ascertain what evidence was before the trial court at appellant's revocation hearing.

In *Bryant*, we held that we will not entertain an appeal which completely ignores the abstract requirement. We reiterate that this court cannot continue to operate efficiently if each justice must look at the record to ascertain the facts. *Id.*

Affirmed.
