

IN RE: Benjamin A. ROOK *v.* SHERIFF, Pulaski County,
Arkansas

CR 96-168

914 S.W.2d 316

Supreme Court of Arkansas
Opinion delivered February 12, 1996

APPEAL & ERROR — MOTION FOR RULE ON CLERK — PETITION FOR ISSUANCE OF WRIT OF HABEAS CORPUS — MATTER REMANDED FOR FINDINGS OF FACT. — Where petitioner, who, after having been charged with theft by deception and having made bail and later given notice that his defense would be mental disease or defect, was incarcerated by the trial court pending a mental-health evaluation; where petitioner petitioned for issuance of a writ of habeas corpus for release from jail and made a motion for rule on the clerk to lodge his record in the supreme court; and where an order for the mental-health evaluation was attached to the habeas corpus petition, but no other order providing reasons for the incarceration was included in the record tendered, the supreme court remanded the matter, directing the trial court to enter within ten days findings of fact and the reasons for petitioner's incarceration pending the mental-health evaluation.

Motion for Rule on the Clerk; Petition for Issuance of Writ of Habeas Corpus; remanded.

Robert J. Brown, for petitioner.

Winston Bryant, Att'y Gen., by: *Clint Miller*, Deputy Att'y Gen. and Senior Appellate Advocate, for respondent.

PER CURIAM. Petitioner Benjamin A. Rook is charged with four counts of theft by deception. He made bail and later gave notice that his defense would be mental disease or defect. He was then incarcerated by the trial court, pending his mental health evaluation. He now petitions for issuance of a writ of habeas corpus for release from jail and moves for a motion for rule on the clerk to lodge his record in this court. An order for the mental health evaluation of the defendant filed January 9, 1996, is attached to the habeas corpus petition, but no other order of the trial court providing reasons for the incarceration is included in the record tendered to this court.

[1] The trial court is directed to enter findings of fact and the reasons for the petitioner's incarceration pending the mental health evaluation, within 10 days of the date of this per curiam order.
