

Larry Jack NATION v. STATE of Arkansas

CR 84-28

697 S.W.2d 918

Supreme Court of Arkansas
Opinion delivered November 4, 1985

CRIMINAL PROCEDURE — RULE 37 PETITION ALLEGING THAT GUILTY PLEAS WERE NOT SUPPORTED BY FACTUAL BASIS — PETITIONER GIVEN OPPORTUNITY TO OBTAIN AND SUBMIT TRANSCRIPT. — Where a petitioner in a Rule 37 petition for post-conviction relief alleges that his guilty pleas were not supported by a factual basis as required by Rule 24.6, A.R.Cr.P., *held*, a decision on the petition is withheld to give petitioner an opportunity to obtain a copy of the transcript of the hearing at which his pleas were entered and attach such transcript as an exhibit to his petition.

Petition pursuant to Rule 37.2 for permission to proceed in Cross Circuit Court for post-conviction relief; decision withheld pending filing of transcript of hearing.

Darrell E. Baker, Jr., for petitioner.

Steve Clark, Att'y Gen., by: *Theodore Holder*, Asst. Att'y Gen., for respondent.

PER CURIAM. Larry Jack Nation has petitioned for permission to proceed in Cross Circuit Court for post conviction relief pursuant to Rule 37.2. The petition alleges that Larry Jack Nation pled guilty to burglary and theft of property, receiving a sentence to consecutive prison terms totalling forty years. He alleges the guilty pleas were not supported by a factual basis as required by Rule 24.6 of the Arkansas Rules of Criminal Procedure, that he is in fact innocent of the charges.

Petitioner further alleges that counsel appointed to represent him did not challenge the failure of the circuit court to establish a basis for the guilty pleas and, hence, was ineffective.

[1] We will withhold a decision on the petition to give petitioner an opportunity to obtain a copy of the transcript of the hearing at which his pleas were entered and attach such transcript as an exhibit to his petition.

It is so ordered.

PURTLE, J., not participating.
