

Charles Edward MARSHALL *v.* STATE of Arkansas

CR 78-199

January 29, 1979

APPEAL & ERROR — MOTION FOR CONSIDERATION OF RECORD ON PRIOR APPEAL. — NO NECESSITY FOR MOTION. — Since Rule 9 (d), Rules of the Supreme Court, provides that, on a second or subsequent appeal, the abstract shall include a condensation of all pertinent portions of the record on any prior appeal, a motion by an appellant for consideration of the record on a prior appeal of the case is unnecessary.

Order on Motion pertaining to record on prior appeal.

PER CURIAM

Appellant's motion for consideration of the record on a prior appeal in this case is granted even though it is a useless motion. Rule 9 (d) of the rules of this court clearly provides: "On a second or subsequent appeal, the abstract shall include a condensation of all pertinent portions of the record filed on any prior appeal."

The purpose of the entry of this order is to call the attention of the bar to the fact that such motions are unnecessary.

Printer's Note: The opinion on consideration of this case appears in 265 Ark. 302, 578 S.W. 2d 32.