

Carmel B. JONES et al *v.* Cy CARNEY, Jr.

78-105

572 S.W. 2d 585

Opinion delivered October 23, 1978
(Division I)

[Rehearing denied November 27, 1978.]

APPEAL & ERROR — SUFFICIENCY OF EVIDENCE — FAILURE TO ABSTRACT EVIDENCE, EFFECT OF. — Appellant's argument that the decision of the Alcoholic Beverage Control Board in granting a liquor permit to appellant is supported by substantial evidence and that the reversal by the circuit court should be reversed on appeal must fail where none of the evidence is abstracted by appellant, thereby placing the Supreme Court in no position to say that the circuit court's judgment is erroneous.

Appeal from Washington Circuit Court, Second Division, *Paul Jameson*, Judge; affirmed.

Murphy & Carlisle, for Carmel B. Jones and *John W. Bailey*, for Alcoholic Beverage Control Board, appellants.

Crouch, Blair, Cypert & Waters, for appellee.

GEORGE ROSE SMITH, Justice. The principal appellant, Mrs. Jones, applied for a permit to operate a liquor store in Fayetteville. The Alcoholic Beverage Control Board, after a hearing, reversed the ruling of its director and granted the permit. The circuit court in turn reversed the Board, for want of substantial evidence. This appeal is from the circuit court's judgment, a supersedeas bond having been given to keep the store open during the pendency of the appeal.

The appellant's abstract of the record can, in truth, hardly be called an abstract at all. It copies the Board's decision, but it contains no other information of value to us in passing upon the appeal. It is argued that the Board's decision is supported by substantial evidence, but not a syllable of the evidence is abstracted. We are not in a position to say that the circuit court's judgment is erroneous.

Affirmed.

We agree. HARRIS, C.J., and HOLT and HOWARD, JJ.
