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IN RE: RULE 2, RULES OF APPELLATE  
PROCEDURE—CRIMINAL

Supreme Court of Arkansas  
Delivered January 28, 1999

**P**ER CURIAM. Rule 2 of the Rules of Appellate Procedure—Criminal was amended in 1997 to provide that a notice of appeal is invalid if it does not contain the statement that the transcript has been ordered and financial arrangements have been made with the court reporter. This provision appears in subsection (c)(3) and has proven to be unsatisfactory. We now strike subsection (c)(3) as illustrated below and renumber the remaining subsection. For additional explanation concerning this change, refer to the Reporter's Notes at the conclusion of the amended rule.

Effective immediately, Rule 2 is so amended, and subsection (c) is republished as amended.

**Rule 2. TIME AND METHOD OF TAKING APPEAL**

**(c) Certificate That Transcript Ordered. (1)**

....

~~(3) A notice of appeal is invalid if it does not contain the certification/affidavit, the pauper petition, or a statement that no oral testimony or proceedings have been designated as part of the record.~~

(4) It shall not be necessary to file with either the notice of appeal or the designation of contents of record any portion of the reporter's transcript of the evidence of proceedings.

**Rule 2. TIME AND METHOD OF TAKING APPEAL**

....

**(c) Certificate That Transcript Ordered.** (1) If oral testimony or proceedings are designated, the notice of appeal shall include a certificate by the appealing party or his attorney that a transcript of the trial record has been ordered from the court reporter, and, except for good cause, that any financial arrangements required by the court reporter pursuant to Ark. Code Ann. § 16-13-510 (c) have been made. If the appealing party is unable to certify that financial arrangements have been made, then he shall attach to the notice of appeal an affidavit setting out the reason for his inability to so certify. A copy of the notice of appeal shall be mailed to the court reporter.

(2) Alternatively, the notice of appeal shall include a petition to obtain the record as a pauper if, for the purposes of the appeal, a transcript is deemed essential to resolve the issues on appeal.

(3) It shall not be necessary to file with either the notice of appeal or the designation of contents of record any portion of the reporter's transcript of the evidence of proceedings.

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**Reporter's Notes:** Former subsection (c)(3) has been deleted from the rule, and (c)(4) has been redesignated in its place. The reasons for this amendment are discussed in *Clayton v. Ideal Chemical and Supply Co.*, 335 Ark. 73, 977 S.W.2d 228 (1998).