

Michael William CATLETT *v.* STATE of Arkansas

CR 95-10

936 S.W.2d 555

Supreme Court of Arkansas
Opinion delivered February 3, 1997

MOTIONS — RELEASE OF EVIDENCE FOR CIVIL TRIAL — DENIED. —

Where counsel representing a murder victim's estate sought, for purposes of a civil trial, the release of all evidence in the supreme court's custody as a result of the criminal appeal, the motion was denied; counsel was permitted, however, to photograph and have certified by the supreme court clerk exhibits from the criminal-trial record.

Motion for Release of Evidence for Civil Trial; denied.

Sandy S. McMath, Joseph M. Nursey, and Timothy O. Dudley,
for appellant.

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

PER CURIAM. Counsel for the Estate of Stephanie Michelle Jungkind moves this court for the release of all evidence in the court's custody as a result of the criminal appeal. *See Catlett v. State*, 321 Ark. 1, 900 S.W.2d 523 (1995). Counsel for the Estate requests this in order to use those exhibits in a civil trial where the cause of action arises out of the death of Ms. Jungkind.

[1] The request for the release of exhibits to counsel for the Estate is denied. The Clerk of the Supreme Court will permit counsel for the Estate to photograph exhibits from the record of Catlett's criminal trial and will certify those photographic copies as true and correct representations of the exhibits involved.