

Keithrick MARTIN *v.* STATE of Arkansas

CR 97-153

938 S.W.2d 234

Supreme Court of Arkansas  
Opinion delivered February 24, 1997

APPEAL & ERROR — MOTION FOR STAY DENIED. — Where appellant's motion for stay of a retrial contained a statement of service of the motion, showing that it has been served on all parties to the proceeding but not showing that it had been served on the trial court as required by Ark. Sup. Ct. R. 6-1(c), the supreme court denied the motion without prejudice for failure to serve it upon the trial court.

Motion for Stay; denied.

*McCullough Law Firm*, by: *R.S. McCullough*, for appellant.

No response.

PER CURIAM. Keithrick Martin was charged with aggravated robbery and capital felony murder. He was convicted of aggravated robbery, but a mistrial resulted on the murder charge. He has sought a writ of prohibition to prevent a retrial on the murder charge, contending such a trial would place him twice in jeopardy. He asks a stay of the retrial on the murder charge while the request for prohibition is before this Court.

[1] Mr. Martin's motion contains a statement of service of the motion showing that it has been served on all parties to the proceeding, but it does not show that it has been served on the Trial Court as is required by Ark. Sup. Ct. Rule 6-1(c). The motion is denied without prejudice for failure to serve it upon the Trial Court.