

Randy Ladon ANDERSON *v.* STATE of Arkansas

CR 01-1131

100 S.W.3d 48

Supreme Court of Arkansas
Opinion delivered February 10, 2003

APPEAL & ERROR — VERDICT FORMS NOT INCLUDED IN RECORD —
SUPPLEMENTATION OF RECORD ORDERED. — In a capital murder
case in which the death penalty was imposed, where the verdict
forms were specifically discussed by the trial judge during trial and
were referenced in the trial court's order denying appellant's motion
for a new trial, but the forms were not included in the record, the
supreme court ordered that the record on appeal be supplemented
under Ark. R. App. P.—Civ. 6(e) (2000) to include Verdict Forms
1, 2, 3, and 4 from the sentencing phase of appellant's trial.

Appeal from Chicot Circuit Court; *Sam Pope*, Judge; Writ of
Certiorari ordered.

Thomas Deen, for appellant.

Perroni & James Law Firm, by: *Samuel A. Perroni* and *Arnold
Davis*, for appellee.

PER CURIAM. Appellant was convicted of capital murder
and sentenced to death by lethal injection. Among his
points of error is a claim that the jury failed to consider mitigating
circumstances in the sentencing phase of his trial in violation of
Ark. Code Ann. § 5-4-603 (Repl. 1997). The verdict forms
identified as Forms 1 through 4 (presumably as specified under
AMCI 2d 1008) were specifically discussed by the trial judge dur-
ing the trial and are referenced in the trial court's order denying
appellant's motion for a new trial. Those forms, however, are not
included in the record presented to this court. At oral argument,
counsel for the appellant and for the State represented to this court
that they have been unable to locate the forms.

[1, 2] Ordinarily we would leave it to the parties to move
that the record on appeal be supplemented under Ark. R. App.

P.—Civ. 6(e) (2000), which the appellant has not done. However, inasmuch as this is a capital murder case in which the death penalty was imposed, we order that the record on appeal be supplemented to include Verdict Forms 1, 2, 3, and 4 from the sentencing phase of appellant's trial within fifteen days hereof. See Ark. R. App. P.—Civ. 6(e) (2000); *Snell v. State*, 290 Ark. 184, 717 S.W.2d 818 (1986); *Snell v. State*, 290 Ark. 503, 721 S.W.2d 628 (1986).