

SUPREME COURT OF ARKANSAS

No. CR 11-852

JIMMY EDD LEE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered December 8, 2011

APPELLEE'S MOTIONS TO CORRECT RECORD AND FOR EXTENSION OF BRIEF TIME [LAFAYETTE COUNTY CIRCUIT COURT, CR 2005-3, HON. JOE E. GRIFFIN, JUDGE]

MOTIONS GRANTED; REMANDED TO SETTLE THE RECORD.

PER CURIAM

Appellant Jimmy Edd Lee lodged in this court an appeal of a decision denying his petition for writ of error coram nobis. The petition sought relief from his 2007 conviction by guilty plea to a charge of possession of drug paraphernalia with intent to manufacture methamphetamine. Appellant filed his brief, and the State has now filed motions in which it seeks to correct and supplement the record and to obtain an extension of time in which to file its brief. We agree that the record appears to be incomplete and incorrect, and we remand to settle the record. We also provide an extension of time for appellee State to file its brief.

The record, as the State points out in its motion, contains a petition and amended petition that have pages that appear out of order and some that appear to be missing. The circuit court's order references exhibits that are not in the record, as well as pleadings in the proceedings prior to entry of the judgment that are also omitted. The State contends that counsel is unable to prepare a brief without a complete record relevant to the issues on appeal,



Cite as 2011 Ark. 525

and we require an accurate and complete record that discloses the pleadings and documents considered by the trial court. The State asserts that a new, corrected-and-supplemented record should be transmitted in accordance with Arkansas Rule of Appellate Procedure–Civil 6(e) (2011), as applicable through Arkansas Rule of Appellate Procedure–Criminal 4(a) (2011). Because we agree that the record appears to be incomplete, we remand to the circuit court to settle the record. Within thirty days of the date of this opinion, we direct the court to prepare and transmit to this court a certified record that corrects any mistakes in the record and that provides the documents considered by the court and referenced in its order.

In accord with the State’s request in its motion for brief time, we grant an extension of time in which appellee’s brief may be filed. Appellee’s brief is now due twenty days after the date that the certified corrected record is filed here.

Motions granted; remanded to settle the record.