

SUPREME COURT OF ARKANSAS

No. CR 11-702

MICHAEL TORNAVACCA
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE**Opinion Delivered** April 24, 2012APPEAL FROM THE HOT SPRING
COUNTY CIRCUIT COURT,
[NO. CR-08-204-1]
HON. CHRIS E WILLIAMS, JUDGESUPPLEMENTAL ABSTRACT
ORDERED.**PER CURIAM**

Appellant Michael Tornavacca appeals the circuit court's order denying his petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. Among the issues raised on appeal are appellant's arguments that the circuit court erred in finding that he was not denied the right to a public hearing, the right of compulsory process, and the right to confront witnesses. He also contends that the procedures utilized by the circuit court are fundamentally flawed in terms of providing due process. We order appellant to submit a supplemental abstract within seven calendar days to cure a deficiency in the abstract.

Arkansas Supreme Court Rule 4-2(a)(5)(A) requires that an abstract include all material parts of the transcript contained in the record that are essential for the appellate court to confirm its jurisdiction, understand the case, and to decide the issues on appeal. Such material information includes counsel's statements and arguments made to the circuit court. A review of the record reveals that appellant has omitted from the abstract the arguments his counsel

made at the outset of the Rule 37 hearing in reference to the issues mentioned above. Because these arguments are material to the issues raised on appeal, we direct appellant to file within seven calendar days from the date of the opinion a supplemental abstract to cure this deficiency. *See* Ark. Sup. Ct. R. 4-2(b)(4); *In re 4-2(b) of the Rules of the Supreme Court*, 2011 Ark. 141 (per curiam).

Supplemental abstract ordered.