

SUPREME COURT OF ARKANSAS

No. CR-14-49

CODY LEE MARTIN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 13, 2014

APPEAL FROM THE OUACHITA
COUNTY CIRCUIT COURT
[NO. CR-12-160]HONORABLE EDWIN KEATON,
JUDGESUPPLEMENTAL RECORD
ORDERED; REBRIEFING
ORDERED.**PER CURIAM**

Appellant Cody Lee Martin is appealing the order entered by the Ouachita County Circuit Court denying his motion to withdraw his negotiated plea of nolo contendere to a charge of sexual assault in the first degree for which he received a sentence of eight years in prison. For reversal, he claims error in the circuit court's decision. We cannot reach the merits of the appeal at this time because Martin has failed to file a sufficient record for our review.

The issues in this case center on Martin's plea of nolo contendere that took place at a hearing on May 17, 2013, according to the circuit court's docket entry. However, the record does not contain a transcript of the plea hearing. Despite Martin's assertions to the contrary, the record of the hearing is essential to our review, as the circuit court referenced the proceeding in its order. *See Rice v. State*, 2013 Ark. 167 (per curiam). Pursuant to Ark. R.

App. P.–Civ. 6(e), we direct Martin to correct this deficiency in the record by filing a certified, supplemental record of the plea hearing.

Accordingly, Martin is directed to supplement the record with our clerk within thirty days from the date of this per curiam. At that time, a briefing schedule will be set. After service of the substituted brief, the State shall have an opportunity to file a responsive brief in the time prescribed by the Clerk, or to rely upon the brief that was previously filed in this appeal.

Certified supplemental record ordered; rebriefing ordered.

Hurst, Morrissey & Hurst, PLLC, by: *Q. Byrum Hurst, Jr.*, for appellant.

Dustin McDaniel, Att’y Gen., by: *Vada Berger*, Ass’t Att’y Gen., for appellee.