

Cite as 2015 Ark. 260

SUPREME COURT OF ARKANSAS

No. CR-15-407

PHILLIP ENGLER

PETITIONER

V.

CIRCUIT COURT OF BOONE
COUNTY

RESPONDENT

Opinion Delivered June 4, 2015PETITION FOR WRIT OF
CERTIORARIREMANDED TO SETTLE THE
RECORD.**PER CURIAM**

Petitioner Phillip Engles petitions this court for a writ of certiorari to the respondent, the Circuit Court of Boone County. The petition arises from the circuit court's order denying his motion to dismiss based on violation of the speedy-trial provisions of Arkansas Rule of Criminal Procedure 28 (2014). In his petition, Engles asserts that he was arrested on December 3, 2012, and filed his motion to dismiss on April 6, 2015. Following a hearing on Engles's motion, the circuit court denied it, finding that the time period of August 25, 2014, through October 6, 2014, was tolled for good cause.

At the hearing on Engles's motion, the circuit court indicated that, in making its ruling, it had taken notice of certain letters in the "clerk's file" that were dated during the time period at issue; however, those letters, while shown on the circuit court's docket sheet, are not included in the record before us, and we are unable to determine whether they were made a part of the record at the hearing on Engles's motion. While the State's response is

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somewhat vague, it does reference that the good cause found by the circuit court was based on a recusal by the original trial judge. Not having the letters on which the circuit court relied, we are unable to review the merits of Engles's petition. We therefore remand the matter to settle the record.

Remanded to settle the record.