

Cite as 2023 Ark. App. 430  
**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CR 23-47

RYAN COCKRELL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEES

Opinion Delivered October 4, 2023

APPEAL FROM THE FAULKNER  
COUNTY CIRCUIT COURT  
[NO. 23CR-20-1117]

HONORABLE CHARLES E.  
CLAWSON III, JUDGE

REMANDED TO SUPPLEMENT THE  
RECORD

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**ROBERT J. GLADWIN, Judge**

Ryan Cockrell appeals from the revocation of his probation and the resulting November 1, 2022 sentencing order by which he was sentenced to one year in the Faulkner County Detention Center. Cockrell challenges the sufficiency of the evidence to support the revocation of his probation on the grounds that he inexcusably failed to make court-ordered payments and that he failed to report to his probation officer. We remand to settle, if necessary, and supplement the record.

On April 5, 2021, Cockrell entered a plea of guilty to the misdemeanor offenses of possession of a controlled substance and possession of drug paraphernalia. He was placed on supervised probation for a period of twelve months subject to certain terms and conditions, including that he not violate any local, state, or federal laws; that he pay a total

of \$1,065 in costs, fees, and fines; that he abstain from illegal drug use and submit to drug testing; and that he satisfy all reasonable demands of his supervising probation officer.

It appears that two revocation petitions were filed, one on September 15, 2021, and a second one on November 15 after Cockrell failed to appear in circuit court for the first revocation hearing. From the probation officer's notes, it seems that a revocation hearing was held on December 3, and the circuit court ordered Cockrell to serve sixty days in the Faulkner County Detention Center and continued his original twelve-month period of probation.

On January 28, 2022, the State filed a third revocation petition and, on February 23, filed an amended petition alleging that Cockrell had violated the terms and conditions of his probation by (1) failing to make payments on his court-ordered fines and fees; (2) failing to report to his probation officer on February 8 for a scheduled office visit; and (3) committing the new offense of aggravated assault in Conway County on July 25, 2021. The petition alleged, specifically, that after Cockrell had failed to report on February 8, 2022, Bryan Padgett, his probation officer, attempted to conduct a home visit at Cockrell's residence on February 17. Padgett was unable to locate Cockrell and left instructions at his residence notifying him to report to the probation office on February 22, 2022, at 9:00 a.m. Cockrell, however, failed to report, and as of the date the amended revocation petition was filed on February 23, Cockrell's whereabouts were unknown. On June 12, Cockrell was arrested.

Yet another revocation petition was filed on June 22, which, in addition to the allegations of prior petitions, alleged that Cockrell had violated the conditions of his probation by committing new crimes, using illegal drugs, and failing to pay supervision fees. A final amended revocation petition was filed on September 2 adding a violation for failure to report.

The revocation hearing was held on October 17, at which time the State announced that it intended to proceed only on the allegations that Cockrell had failed to make court-ordered payments and had failed to report to Padgett. Padgett testified that Cockrell had failed to report numerous times and had an outstanding balance of \$1,040, with the last payment on file was April 22, 2021.

The circuit court revoked Cockrell's probation and, on November 1, 2022, entered a judgment and disposition order sentencing him to a term of 365 days in the Faulkner County Detention Center. Cockrell filed a timely notice of appeal on December 1.

Arkansas Supreme Court Administrative Order No. 4 provides that "[t]he circuit court shall require the official court reporter to make a verbatim record of all proceedings, pertaining to any matter before the court or the jury." In his notice of appeal, Cockrell requested a complete transcript of the record and designated "the entire record" for appeal. The entire record is not currently before the court, in part because the docket sheet lists several items not contained in the record, including the original plea and conditions that were introduced at the revocation hearing. It also appears that Cockrell's probation had been previously revoked, and the docket sheet also indicates a December 3, 2021 judgment and

disposition order. The State suggests that this prior revocation sentenced Cockrell to some jail time and “continued probation” for a term of twelve months. We require the entire record to properly confirm jurisdiction—to make sure that the circuit court had the authority to revoke or determine whether there might be an illegal-sentence issue—and we simply cannot tell without those other documents.

This court has stated that if anything material to either party is omitted from the record by error or accident, we may direct that the omission be corrected and that a supplemental record be certified and transmitted. *Smith v. State*, 2023 Ark. App. 209, at 2; Ark. R. App. P.–Civ. 6(e) (as made applicable to criminal cases by Ark. R. App. P.–Crim. 4(a)); *see also Lacy v. State*, 2017 Ark. App. 509. Accordingly, we remand to the circuit court to settle the record, if necessary, and thereafter supplement the record with the omitted portions, including but not limited to pleadings, transcripts of any related proceedings, and resulting court orders. Cockrell has thirty days from the date of this opinion to file a supplemental record with this court.

Remanded to supplement the record.

GRUBER and MURPHY, JJ., agree.

*Dusti Standridge*, for appellant.

*Tim Griffin*, Att’y Gen., by: *Christopher R. Warthen*, Ass’t Att’y Gen., for appellee.