

ARKANSAS COURT OF APPEALSDIVISION I
No. CACR10-680JEWEL GOLDSBERRY, JR.
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 4, 2012

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SEVENTH DIVISION
[NO. CR-09-1527]

HONORABLE BARRY SIMS, JUDGE

REMANDED TO CORRECT and
SUPPLEMENT THE RECORD**WAYMOND M. BROWN, Judge**

A Pulaski County jury found appellant Jewel Goldsberry guilty of sexual assault in the second degree. He was sentenced to twenty years' imprisonment. Goldsberry argues on appeal that the trial court erred (1) by not including his proffered jury instruction and (2) by admitting testimony that he attempted to hang himself into evidence. This is the second time this case is before us. We initially ordered correction and supplementation of the record due to the incorrect charge being reflected in the judgment and commitment order.¹ Since there is no corrected judgment and commitment order included in the supplemental record, we again remand for correction and supplementation of the record.

¹*Goldsberry v. State*, 2011 Ark. App. 556.

Goldsberry was tried and convicted of sexual assault in the second degree; however, the judgment and commitment order filed of record reflects that he was convicted of rape. This court can sua sponte direct that this misstatement be corrected by filing a certified, supplemental record.² Accordingly, we remand the case to the circuit court to correct and supplement the record. Goldsberry has thirty days from today to file a supplemental record.

Ark. Sup. Ct. R. 4-2(a)(8)³ provides that any order extending the time to file the record on appeal should be included in the addendum. Goldsberry has provided an order extending the time to file his record on appeal in the supplemental addendum; however, the order provided does not include an extension date.⁴ He has seven days after the record is supplemented to file a supplemental addendum containing the corrected judgment and commitment order and the order extending the time to file his record on appeal.⁵ We strongly encourage appellate counsel, prior to filing the supplemental addendum, to review our rules as well as the record and addenda to ensure that no additional deficiencies are present.

Remanded to correct and supplement the record.

VAUGHT, C.J., and GLADWIN, J., agree.

²Ark. R. App. P.–Civ. 6(e) (as made applicable to criminal cases by Ark. R. App. P.–Crim. 4(a)); see *Moss v. State*, 2010 Ark. App. 721.

³(2011).

⁴The correct order can be found in the original record at page 54.

⁵Ark. Sup. Ct. R. 4-2(b)(4). See *In re 4-2(b)(4) of the Rules of the Supreme Court and Court of Appeals*, 2011 Ark. 141.