

SUPREME COURT OF ARKANSAS

No. CR-16-63

KENNETH RAY MARSHALL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: October 26, 2017APPEAL FROM THE COLUMBIA
COUNTY CIRCUIT COURT
[NO. 14CR-14-2]HONORABLE HAMILTON H.
SINGLETON, JUDGESUPPLEMENTAL RECORD
ORDERED; SUPPLEMENTAL
BRIEFING ORDERED.**PER CURIAM**

On April 13, 2017, we remanded this case to supplement the record with a transcript of a January 14, 2015 hearing that had not been provided. That hearing has been made part of the record. However, the State has noted that another hearing held on December 4, 2014, was also omitted from the record. Because Marshall received a sentence of life imprisonment, this court “must review all errors prejudicial to the appellant in accordance with Ark. Code Ann. § 16-91-113(a).” Ark. Sup. Ct. R. 4-3(i) (2016). Arkansas Supreme Court Rule 4-3(i) further provides as follows:

To make that review possible, the appellant must abstract, or include in the Addendum, as appropriate, all rulings adverse to him or her made by the circuit court on all objections, motions and requests made by either party, together with such parts of the record as are needed for an understanding of each adverse ruling. The Attorney General will make certain and certify that all of those objections have been abstracted, or included in the Addendum, and will brief all points argued by the appellant and any other points that appear to involve prejudicial error.

Accordingly, we order that a supplemental certified transcript of the hearing be filed with the clerk of this court within five days from the date of this per curiam. Once the transcript has been filed, we direct the parties to file with this court supplemental briefs that satisfy their respective obligations under Rule 4-3(i), with the appellant's brief due within five days of the filing of the transcript and the appellee's brief due within five days of the filing of the appellant's supplemental brief.

Marshall's obligation under Rule 4-3(i) is to abstract or include in the addendum all rulings adverse to him. The Attorney General's duty is to ensure that Marshall has complied with that obligation and certify that he has done so. Accordingly, we further order the parties to complete their respective duties under Rule 4-3(i).

Supplemental record ordered; supplemental briefing ordered.