

SUPREME COURT OF ARKANSAS

No. CR-11-556

CRISTOBAL ANTONIO MANCIA
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered February 6, 2014

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. CR2007-802-1]HONORABLE ROBIN F. GREEN,
JUDGEREBRIEFING ORDERED.**PER CURIAM**

On March 7, 2008, appellant, Cristobal Antonio Mancía, pleaded guilty to rape and was sentenced to a term of life imprisonment. Pursuant to Arkansas Supreme Court Rule 4-3(k) (2010), Mancía filed a brief on appeal asserting that there was no meritorious basis for his appeal. We agreed and affirmed Mancía's conviction. *Mancía v. State*, 2010 Ark. 247 (per curiam).

On July 19, 2010, pursuant to Rule 37.1 of the Arkansas Rules of Criminal Procedure (2010), Mancía filed a petition for postconviction relief alleging eight grounds for relief. On February 7, 2011, without holding a hearing, the circuit court denied Mancía's petition. From that order, Mancía appeals and contends that the circuit court erred by entering findings on four of his ineffective-assistance-of-counsel claims without holding a hearing: (1) Mancía's counsel was intoxicated at the plea hearing; (2) Mancía's counsel failed to investigate the victim's statement based on the fact that the victim did not speak English and the police did

not speak Spanish; (3) Mancía's counsel failed to investigate Mancía's statement to the police based on Mancía's limited ability to communicate in English and did not have an interpreter at court proceedings; and (4) Mancía's counsel did not inform Mancía of the sentencing options and did not secure a plea agreement with a set number of years of imprisonment.

We do not reach the merits of Mancía's arguments, however, because we must order rebriefing to correct abstracting deficiencies. Pursuant to Arkansas Supreme Court Rule 4-2(a)(5) (2011), "the appellant shall create an abstract of the material parts of all the transcripts (stenographically reported material) in the record. Information in a transcript is material if the information is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal."

Here, Mancía did not provide any abstract, stating that "[Mancía] entered a guilty plea in this matter and therefore there is no transcript of a trial to be abstracted." However, a review of the record demonstrates that Mancía's guilty-plea hearing is pertinent to this court's review of his Rule 37 appeal. Therefore, we remand Mancía's appeal for rebriefing.

Mancía has forty days from the date of this opinion to file a substituted brief that complies with the rules. See Ark. Sup. Ct. R. 4-2(b)(3). We strongly encourage Mancía to review the rules and to ensure that no other deficiencies are present prior to filing the substituted brief. Failure to timely correct the deficiencies in Mancía's brief may result in the judgment of the circuit court being affirmed for noncompliance with the rule. See Ark. Sup. Ct. R. 4-2(c)(2). After service of Mancía's substituted brief, the State shall have the opportunity to revise or supplement its brief in the time prescribed by the clerk, or to rely on

the brief that it previously filed in this appeal.

Rebriefing ordered.

Dana A. Reece, for appellant.

Dustin McDaniel, Att’y Gen., by: *Brad Newman*, Senior Ass’t Att’y Gen., for appellee.