

SUPREME COURT OF ARKANSAS

No. CR-13-389

CHRISTOPHER BEVERAGE
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 16, 2014

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT,
[NOS. CR-10-83, CR-10-602, CR-11-
423, CR-12-346]

HONORABLE JODI RAINES
DENNIS, JUDGE

WRIT OF CERTIORARI ISSUED.

PER CURIAM

This is an appeal from an order entered by the Jefferson County Circuit Court denying Appellant Christopher Beverage’s petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. We have previously granted a motion to supplement the record and issued a writ to complete the record. Because the writ was returned incomplete, we again issue a writ of certiorari to the circuit clerk of the Circuit Court of Jefferson County to complete and file a certified supplemental record with our clerk within fifteen days from the date of this per curiam.

On September 7, 2012, appellant pled guilty in the Jefferson County Circuit Court in four cases: CR-10-83, CR-10-602, CR-11-423, and CR-12-346. Thereafter, he filed a timely petition for postconviction relief referencing all four case numbers, which was denied without a hearing on January 29, 2013. He filed a timely notice of appeal.

On July 23, 2013, appellant filed a motion to supplement the record asking that the

record be supplemented with “[a]ll documents, order[s], and motions filed in the case numbers being appealed.” In particular, appellant noted that documents relating to two arguments that he raised in his Rule 37 petition—competency and speedy trial—were missing from the record. On September 5, 2013, this court granted the motion, and a writ of certiorari was issued, returnable within thirty days. Although the writ was returned on September 13, 2013, and is certified by the circuit clerk, the supplemental record fails to include the entire record of the four cases at issue.

In particular, in its order denying postconviction relief, the circuit court relied on two mental-health-examination reports that were filed with the court, one on July 30, 2010, and one on February 3, 2011. Yet, neither of these reports is included in the record supplied to this court on appeal. Furthermore, the circuit court states that “the record reflects” that appellant’s right to a speedy trial was not violated due to excludable periods, but the record on appeal fails to contain one document referencing an excludable period.

In light of the circuit clerk’s noncompliance with our previous order, we issue another writ of certiorari to the Jefferson County Circuit Clerk to complete the record, returnable within fifteen days from the date of this per curiam. To be clear, all documents filed in case numbers CR-10-83, CR-10-602, CR-11-423, and CR-12-346 should be returned with the writ. Appellant is directed to file a substituted brief on appeal within thirty days of the lodging of the supplemental record.

Writ of certiorari issued.

James Law Firm, by: *Lee D. Short*, for appellant.

No response.