

SUPREME COURT OF ARKANSAS

No. CR11-1071

JAMES T. HUFF

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 26, 2012APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
[NO. CR-10-2330]
HON. HERBERT WRIGHT, JUDGESUPPLEMENTAL RECORD
ORDERED.**PER CURIAM**

A Pulaski County jury convicted appellant James T. Huff of one count each of aggravated-residential burglary, aggravated robbery, kidnapping, first-degree terroristic threatening, and second-degree battery. The jury sentenced him to life imprisonment for the kidnapping charge and an aggregate term of 92 years' imprisonment for the other offenses, to run consecutively. On appeal, appellant argues that (1) the circuit court erred in admitting the testimony of three witnesses at the penalty phase of the trial, and (2) the evidence is insufficient to support his conviction for kidnapping as a Class Y felony. This is a case involving a sentence of life imprisonment without parole, and we have jurisdiction pursuant to Arkansas Supreme Court Rule 1-2(a)(2) (2011). Appellant has not provided a complete record on appeal; therefore, we order appellant to supplement the record.

Arkansas Supreme Court Rule 4-3(I) (2011) provides that in cases where the appellant received a sentence of life imprisonment, we must review all errors prejudicial to the rights of the appellant in accordance with Arkansas Code Annotated section 16-91-113(a).

However, the record on appeal does not include a transcript of the circuit court's pretrial omnibus hearing on appellant's October 4, 2010 motion to suppress that was denied, opening statements, jury selection, or voir dire.

Appellant's notice of appeal does not specifically request a transcript of the pretrial proceedings, and the notice excludes from the request a transcript of jury selection. The State certified that it conducted a Rule 4-3(i) review nonetheless. Neither side asserts that the circuit court made any rulings prejudicial to appellant during opening statements, jury selection, or voir dire, but we cannot say that we have reviewed the record for adverse rulings unless we are provided with a complete record. Without a complete record of the proceedings, we cannot conduct a meaningful review, as Rule 4-3(i) requires. *See, e.g., Romes v. State*, 355 Ark. 497, 139 S.W.3d 519 (2003) (per curiam).

Accordingly, we direct appellant's counsel to supplement the record on appeal within thirty days of this date to include the portions of the record previously omitted and, if necessary, to file a substituted brief addressing any adverse rulings contained in omitted parts of the record.

Supplemental record ordered.