

SUPREME COURT OF ARKANSAS

No. CR 12-539

QUINCY JAY PLESSY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 24, 2013

PRO SE MOTIONS TO OBTAIN DOCUMENTS AND FOR EXTENSION OF TIME [SEBASTIAN COUNTY CIRCUIT COURT, FORT SMITH DISTRICT, CR 09-1336, HON. JAMES O. COX, JUDGE]

MOTION TO OBTAIN DOCUMENTS DENIED; MOTION FOR EXTENSION OF TIME GRANTED.

PER CURIAM

Appellant Quincy Jay Plessy filed a timely petition in the trial court for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 (2012) that challenged a judgment reflecting appellant's conviction on a charge of first-degree murder and his sentence, which included a statutory enhancement, of 420 months' imprisonment. The trial court denied the petition, and appellant lodged this appeal. He has now filed motions that seek to obtain documents from the prosecutor and that request an extension of time in which to file appellant's brief. We deny the motion to obtain documents, and we grant the motion for extension of time.

Appellant's motion to obtain documents seeks to have the prosecutor produce statements from certain witnesses in his case for his use in preparing his brief to this court. Appellant does not indicate that the statements that he seeks to use were in the record before the circuit court. This court has long and consistently held that it cannot, in the exercise of its appellate jurisdiction, receive testimony or consider anything outside of the record below. *Lowe v. State*,

2012 Ark. 185, ___ S.W.3d ___ (per curiam); *Smith v. Brownlee*, 2010 Ark. 266 (per curiam); *McLeod v. Mabry*, 206 Ark. 618, 177 S.W.2d 46 (1944). Appellant therefore fails to demonstrate that the documents could be utilized in preparing his brief to this court.

The motion for extension of time is the first such motion that appellant has filed in this matter. In it, he indicates that he had not received a ruling on the motion to obtain documents and that the circumstances of his incarceration have caused delay in the preparation of the brief. He seeks an additional thirty days in which to file his brief. We grant the motion. Appellant's brief is due no later than thirty days from the date of this opinion.

Motion to obtain documents denied; motion for extension of time granted.

Quincy Jay Plesky, pro se appellant.

No response.