

SUPREME COURT OF ARKANSAS

No. CR12-882

JACOB JAMES TOWNSEND
APPELLANT

v.

STATE OF ARKANSAS
APPELLEE**Opinion Delivered** March 7, 2013APPELLANT'S PRO SE MOTION FOR
EXTENSION OF TIME TO FILE BRIEF
[HEMPSTEAD COUNTY CIRCUIT
COURT, CR 12-129, CR 12-130, CR
12-131, CR 11-182, CR 11-183, CR 11-
184, HON. RANDY WRIGHT, JUDGE]APPEAL DISMISSED; MOTION
MOOT.**PER CURIAM**

On September 14, 2012, appellant Jacob James Townsend filed in the circuit court a pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 (2012). He indicated in the heading to the petition that it encompassed six cases, CR 12-129, CR 12-130, CR 12-131, CR 11-182, CR 11-183, and CR 11-184. He further indicated that he had entered pleas of guilty to felony offenses in the six cases. The trial court denied the petition, and appellant has lodged an appeal from the order in this court.

Appellant now seeks by pro se motion an extension of time to file his brief-in-chief. As the record on appeal is clearly deficient, the appeal is dismissed, and the motion is moot. The burden is on the party asserting error to bring up a sufficient record upon which to grant relief. *Mitchael v. State*, 2010 Ark. 379 (per curiam); *Meraz v. State*, 2010 Ark. 121 (per curiam); *Daniels v. State*, 2009 Ark. 607 (per curiam).

The Rule 37.1 petition apparently raised challenges to the judgments in six cases, but

the record-on-appeal contains only one judgment, CR 11-182. Without the other five judgments, it cannot be determined whether the Rule 37.1 petition was timely filed as to those judgments. Also, while portions of the petition are not entirely clear as to which judgment or judgments are being challenged, appellant does refer to at least one judgment in which a thirty-year sentence was imposed. That judgment is not in the record. The one judgment in the record reflects a sentence of 240 months' imprisonment. Accordingly, it is clear that appellant has not lodged a record to support his arguments in the petition. On appeal from an order that denied postconviction relief, there must be a record sufficient to determine if the issues for reversal of the order are well founded. *See Mitchael*, 2010 Ark. 379. Without a record sufficient to show error, this court has no choice but to affirm the denial of the petition. *Id.*; *Davidson v. State*, 363 Ark. 86, 210 S.W.3d 887 (2005).

An appeal from an order that denied a petition for postconviction relief will not be permitted to proceed where it is clear that the appellant could not prevail. *Thacker v. State*, 2012 Ark. 205 (per curiam).

Appeal dismissed; motion moot.

Jacob James Townsend, pro se appellant.

No response.