

CR09-60

IN THE ARKANSAS SUPREME

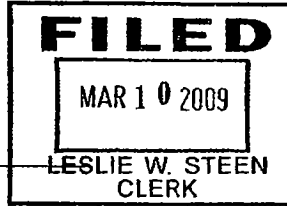
CHARLES JASON BALDWIN

APPELLANT

vs.

CASE NO. CR 09-60

STATE OF ARKANSAS



APPELLEE

DAMIEN WAYNE ECHOLS

APPELLANT

vs.

CASE NO. CR 08-1493

STATE OF ARKANSAS

APPELLEE

JOINT PETITION FOR WRIT OF CERTIORARI TO COMPLETE THE RECORD
AND FOR STAY OF BRIEF TIME FOR 14 DAYS AFTER THE SUPPLEMENT
IS RECEIVED

Come now Charles Jason Baldwin and Damien Wayne Echols, through undersigned counsel, and for their Joint Petition for Writ of *Certiorari* to Complete the Record state:

1. Appellants bring an appeal from the denial of relief pursuant to A.C.A. § 16-112-201 *et seq.* by the Circuit Court of Craighead County, Arkansas. Appellant Baldwin's brief in this matter is currently due to be filed in this Court on or before March 24, 2009, and Appellant Echols's brief is due March 26, 2009.

2. The proceedings below were conducted jointly for Appellants Baldwin and Echols,¹ and during the proceedings, all the defendants were permitted by the court to adopt each others' pleadings without the necessity of having to individually file the same pleadings. *See Echols v.*

¹Also included in these proceedings was Jessie Misskelley, Jr., who is also appealing from the denial of relief. *See Misskelley v. State*, CR 08-1481. The documents at issue in this petition, however, are not at issue in his appeal.

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State, CR 08-1493 at R. 942.

3. In preparing the appellate record for Appellants, counsel have determined that the record omits certain documents that are material to this appeal, and therefore it is necessary that this omission be corrected by the issuance of a writ of certiorari to the Circuit Clerk of Craighead County to provide the omitted documents to this Court.

4. Specifically, on June 6, 2008, Mr. Baldwin filed a pleading titled, "Baldwin's Submission of Supplemental Sealed Exhibits 75, 76, and 77 and Motion for Order Addressing the Status of Affiant's Sealed Affidavit Filed on May 30, 2008, without copies To Parties" (the "Motion"). Attached to the Motion were sealed Exhibits 75, 76 and 77 (the "Exhibits"). Neither record filed in Appellants' appeal contains Exhibits 75, 76 or 77. Mr. Baldwin's record contains the Motion but the Exhibits are not included and Mr. Echols's record contains neither the Motion nor the Exhibits.

5. Counsel for Appellants have sought to obtain these documents via certification from the Craighead County Circuit Clerk in order to submit them to this Court with a motion to supplement the record, without the necessity of asking this Court to issue a writ, in order to avoid, if possible, any delay in this appeal. Counsels' efforts so far have been unsuccessful and because the time for this appeal is limited, the only recourse left to Appellants is to request that this Court order the certification of the documents by the clerk for supplementation of Appellants' appeal records.

6. Appellants believe that the Motion and the Exhibits are material and necessary for the full review of their appeal and in fact are required to be contained in the appellate record. *See* ARAP-Crim. 4(b).

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7. Therefore, pursuant to Ark. R. App. P.-Civ. 6(e), Appellants jointly move this Court to direct the Circuit Clerk of Craighead County to provide to this Court a supplemental certified record containing the Motion and the Exhibits. Because the Exhibits were submitted under seal to the circuit court, the Exhibits will necessarily be sealed when submitted to this Court.

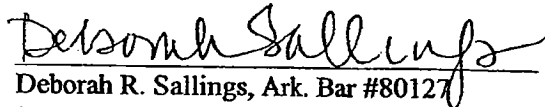
8. Appellants do not believe that the Motion or Exhibits are extensive or lengthy, and they do not believe that it should require an extraordinary amount of time on the part of the Circuit Clerk to produce them. Nevertheless, because the Motion and Exhibits are critical to the appeal in this matter, and because these documents will need to be included in the Addendum (and redacted, due to their being filed under seal), Appellants request that the brief time currently scheduled be stayed until the documents are received by this Court and for at least 14 days thereafter, in order to be able to include them in the Addendum.

9. This Motion is submitted in good faith, in the interests of justice and not for purposes of delay.

WHEREFORE, Appellants respectfully request that the Court grant their Joint Petition for Writ of *Certiorari* To Complete the Record, and order the Circuit Clerk to prepare, certify and submit to this Court the portions of the record herein requested; and that the time for filing the Abstract, Addendum and Brief for Appellants be stayed until the supplemental record is prepared and for 14 days thereafter.

March 10, 2009

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Deborah Sallings, do hereby certify that I have served a copy of the foregoing by U.S. Mail upon the following, this 10 day of March, 2009


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