

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR-93-516, 517, 518

JESSIE LLOYD MISSKELLEY, JR.

DEFENDANT

BRIEF IN SUPPORT OF MOTION FOR COURT REPORTER TO MAKE A STENOGRAPHIC RECORD OF ALL ORAL PROCEEDINGS HAD IN THIS CAUSE; INCLUDING THE ENTIRE VOIR DIRE EXAMINATION; TESTIMONY OF WITNESSES AND QUESTIONS TO THEM; THE ORAL INSTRUCTIONS OF THE COURT; ALL ARGUMENTS AS TO THE ADMISSIBILITY OR REJECTION OF THE EVIDENCE, INSTRUCTIONS AND OTHER MATTER CAUSING AN ARGUMENT TO THE COURT; ALL OBJECTIONS TO THE JURY AND ALL REQUESTED INSTRUCTIONS; ALL ARGUMENTS TO THE JURY

The defendant respectfully refers this Court to Art. 1, 13, of the Arkansas Constitution, which provides that "every person . . . ought to obtain justice freely, and without purchase. . . ." In order to effectively appeal, a defendant must have a complete stenographic record of every part of the trial in which error may be committed by the State Prosecutor and Trial Judge and such stages are clearly those set forth in said Motion. This Article of the Constitution clearly prohibits a demand by a Court Reporter paid by the State or County for payment by the defendant of a fee before reporting jury arguments or any other part of the trial.

In McCain v. State, 132 Ark. 497, 201 S.W. 840 (1918), the Supreme Court stated in respect to the

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reporting of jury arguments that if counsel desires to have the jury arguments preserved, they must request the Court to have the arguments preserved prior to the final arguments.

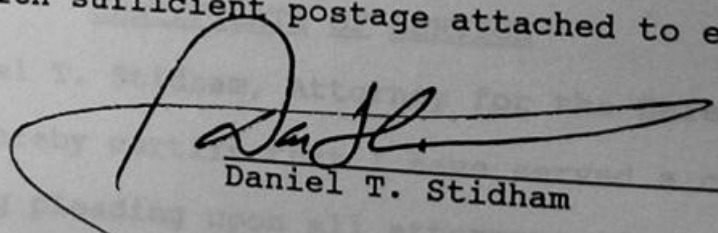
Therefore, the defendant respectfully prays that the Court require the Court Reporter to make a stenographic record of all oral proceedings had in this cause, including those specifically set forth in the foregoing Motion.

BY: 

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CERTIFICATE OF SERVICE

I, Daniel T. Stidham, Attorney for the Defendant herein, do hereby certify that I have served a copy of the foregoing pleading upon all attorneys of record by placing same in the U.S. Mail this 27th day of July, 1993 with sufficient postage attached to ensure delivery.


Daniel T. Stidham