

SUPREME COURT OF ARKANSAS

Wilson v. State

2013 Ark. 438 (2013) · No. CV-12-794 · Decided October 31, 2013

SUMMARY

The Supreme Court of Arkansas dismissed Charles Isaac Wilson, Jr.'s appeal from the dismissal of his writ of replevin action concerning property allegedly seized by law enforcement. The court held that Wilson could not prevail because the record did not demonstrate that any property remained in the State's possession or had not been returned, rendering his motions for an extension of time and copies of pleadings moot.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	October 31, 2013
DOCKET	CV-12-794
DISPOSITION	dismissed
PROCEDURAL POSTURE	Wilson appealed the dismissal of his writ of replevin concerning property allegedly confiscated by the Fort Smith Police Department. While the appeal was pending, he moved for an extension of time to file his brief and for copies of pleadings at public expense.
STANDARD OF REVIEW	The appellant bears the burden of bringing up a sufficient record demonstrating error; when the record is insufficient, the appellate court cannot grant relief.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	Charles Isaac Wilson, Jr. v. State of Arkansas

TOPICS

- replevin
- appellate procedure
- remedies
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the appeal from dismissal of Wilson's writ of replevin could proceed when the record did not demonstrate that the State possessed any property belonging to him or that confiscated property had not been returned.
2. Whether Wilson's motion for an extension of time to file his brief and motion for copies of pleadings at public expense remained justiciable after dismissal of the appeal.

HOLDINGS

1. An appellant who fails to provide a sufficient record demonstrating error cannot prevail on appeal; therefore, the appeal was dismissed.
2. Wilson's motion for an extension of time to file his brief and motion for copies of pleadings at public expense were moot after the appeal was dismissed.

KEY QUOTATIONS

“An appellant who seeks relief in this court has the burden to bring up a sufficient record upon which to grant relief.” (at 3)

“Because appellant fails to meet his burden of producing a record demonstrating error, he could not prevail if his appeal were allowed to proceed.” (at 3)

FACTUAL BACKGROUND

Wilson was arrested on April 9, 2009, for delivery of a controlled substance. A confiscation report listed a 2004 Mercury Marquis and \$129 and \$100 in cash as seized property. The vehicle was returned to its registered owner, and the State's forfeiture action concerning the vehicle and \$129 was dismissed after the property was returned. Wilson later filed a writ of replevin alleging that additional property and \$399 in cash had been confiscated, but he supplied no record showing that the State still possessed any of the property or that it had not been returned.

PROCEDURAL HISTORY

The Sebastian County Circuit Court dismissed Wilson's writ of replevin after finding that the State possessed no property belonging to him and that confiscated property had been returned to the proper persons. Wilson lodged an appeal, but his initial brief was returned for correction and the corrected brief was due on November 9, 2012. The Arkansas Supreme Court dismissed the appeal because Wilson could not prevail on the record, and it held his pending motions moot.

DISPOSITION

dismissed

CASES CITED

- Stevenson v. State, 2013 Ark. 302 (per curiam)

- Davis v. State, 2013 Ark. 189 (per curiam)
- Wilson v. State, 2011 Ark. App. 382
- Greene v. State, 2013 Ark. 251 (per curiam)
- Jackson v. State, 2012 Ark. 41 (per curiam)
- Davidson v. State, 363 Ark. 86, 210 S.W.3d 887 (2005)

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