

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CACR10-1209

VERNELL RENOLD CONLEY
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered JUNE 1, 2011

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. CR-09-2046]

HONORABLE WILLIAM A. STOREY,
JUDGE

REBRIEFING ORDERED

CLIFF HOOFFMAN, Judge

Appellant Vernell Conley appeals his convictions for delivery of a controlled substance (crack cocaine), possession of a controlled substance (marijuana), and possession of drug paraphernalia. Conley argues that the evidence was insufficient to support his convictions and that the trial court erred in permitting prosecutorial misconduct and in failing to provide a curative instruction.

We are unable to consider appellant's appeal at this time, however, because his brief is not in compliance with Ark. Sup. Ct. R. 4-2(a)(8) (2010). *Estrada v. State*, 2010 Ark. 333 (per curiam). Our rule states that in any case where there was a jury trial, the jury's verdict forms must be included in the addendum. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i). Our rules also require that "if an exhibit or other item in the record cannot be reproduced in the addendum,

then the party making the addendum must file a motion seeking a waiver of the addendum obligation.” Ark. Sup. Ct. R. 4-2(a)(8)(A)(ii).

In this case, appellant failed to include the jury-verdict forms in his addendum as required by our rules, nor has appellant filed a motion for waiver of this addendum obligation. Accordingly, we order appellant to file a substituted brief, curing the deficiencies in the addendum, within fifteen days from the date of entry of this order. After service of the substituted brief, the appellee shall have the opportunity to file a responsive brief in the time prescribed by the supreme court clerk, or appellee may choose to rely on the brief previously filed in this appeal. While we have noted the above-mentioned deficiency, we encourage appellant’s counsel to review Rules 4-2 and 4-3 and the entire record to ensure that no additional deficiencies are present, as any subsequent rebriefing order in this criminal matter may result in referral to our Committee on Professional Conduct. *See, e.g., Lee v. State*, 375 Ark. 421, 291 S.W.3d 188 (2009) (per curiam).

Rebriefing ordered.

GRUBER and GLOVER, JJ., agree.