



Cite as 2011 Ark. App. 643

ARKANSAS COURT OF APPEALS

DIVISION I

No. CACR 09-1250

SHANNON WILLIAMS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 26, 2011

APPEAL FROM THE GREENE
COUNTY CIRCUIT COURT [NO.
CR-2008-468]

HONORABLE DAVID N. LASER,
JUDGE

MOTION TO WITHDRAW DENIED;
SUPPLEMENTATION OF
ADDENDUM ORDERED

WAYMOND M. BROWN, Judge

On June 23, 2009, a Greene County jury found Shannon Williams guilty of one count of rape and sentenced him to fifteen years in the Arkansas Department of Correction. His attorney has filed a motion to be relieved as counsel, citing an inability to find a meritorious ground for reversal, and has submitted a no-merit brief pursuant to *Anders v. California*¹ and Ark. Sup. Ct. R. 4-3(k). Williams has filed no pro se points.

This is the second time this case has been before us. On January 19, 2011, we denied counsel's motion to withdraw and ordered rebriefing because counsel had not complied with

¹386 U.S. 738, 87 S. Ct. 1396 (1967).



the requirements of our rules.² The second brief submitted by counsel is also non-compliant and must be supplemented before we can proceed to the merits of the appellant's claims. As noted in our previous opinion in this case, even if it turns out that an appeal is wholly without merit, we cannot so hold without a brief that complies with our rules.

Pursuant to Arkansas Supreme Court Rule 4-2(b)(4), if this court determines that deficiencies or omissions in the abstract or addendum need to be corrected but complete rebriefing is not necessary, we will order the appellant's attorney to file a supplemental abstract or addendum within seven calendar days to provide the additional materials from the record to the members of the court.

Rule 4-2(a)(8)(A)(i) requires the addendum to include all items that are essential for the appellate court to understand the case and decide the issues on appeal. In this case, compact discs containing recordings of Williams's police interview, as well as conversations between Williams and his alleged victim, were played for the jury and were entered into evidence as State exhibits Nos. 2, 3, 4, and 6. The recordings on these CDs are essential for this court to understand the case and decide the issues on appeal. However, the addendum does not contain the CDs or transcripts of the conversations they contained. Therefore, we deny counsel's motion to withdraw and order her to file a supplemental addendum and abstract as necessary to fully comply with Rule 4-2, within seven calendar days from the date this opinion is entered.

Motion to withdraw denied; supplementation of addendum ordered.

²2011 Ark. App. 41.



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HART and GRUBER, JJ., agree.

Mylissa M. Blankenship, for appellant.

No response.