

## ARKANSAS COURT OF APPEALS

DIVISION III  
No. CACR11-254

RONALD DERON GREEN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** December 14, 2011

APPEAL FROM THE DESHA  
COUNTY CIRCUIT COURT  
[No. CR-2010-18-1]

HONORABLE SAM POPE, JUDGE

REBRIEFING ORDERED

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### LARRY D. VAUGHT, Chief Judge

Ronald Deron Green was found guilty by a Desha County Circuit Court jury of delivery of cocaine and sentenced to seventy-five years' imprisonment in the Arkansas Department of Correction. On appeal, Green argues that the evidence was insufficient to support the conviction. However, Green failed to abstract his directed-verdict motions challenging the sufficiency of the evidence at trial. Moreover, while he claims that a video recording (in DVD format) of the controlled buy fails to show him exchanging money or drugs with a confidential informant, he has failed to include the video recording in his addendum. Because of these deficiencies in the abstract and addendum, Green's brief does not comply with Rule 4-2 of the Rules of the Arkansas Supreme Court and the Arkansas Court of Appeals. Therefore, we order rebriefing.

Rule 4-2(a)(5) requires that an appellant create an abstract of the material parts of the transcript in the record. Information in a transcript is material if the information is essential for



the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(5). Depending on the issues on appeal, material information may be found in counsel's arguments and colloquies between the court and counsel. Ark. Sup. Ct. R. 4-2(a)(5)(A). In *Schubert v. Target Stores, Inc.*, 2009 Ark. 89, at 4–5, 302 S.W.3d 33, 35, our supreme court held that the appellant failed to abstract the directed-verdict motion and response thereto; therefore, his brief on appeal was not in compliance with Rule 4-2(a)(5).

Further, Rule 4-2(a)(8) requires that an appellant's addendum contain all copies of nontranscript documents in the record on appeal that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal, including exhibits (such as DVDs). Ark. Sup. Ct. R. 4-2(a)(8)(A)(i). A video recording must be either copied and placed in the addendum or abstracted. *Hodge v. State*, 329 Ark. 57, 58, 945 S.W.2d 384 (1997).

Accordingly, we direct Green to cure the deficiencies described herein by filing a substituted abstract, addendum, and brief within fifteen days from the date of the entry of this order. Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.

PITTMAN and GRUBER, JJ., agree.