

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR11-735

BRENNAN KING

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 4, 2012

APPEAL FROM THE CIRCUIT
COURT OF PULASKI COUNTY,
FOURTH DIVISION
NO. CR2009-4199

HONORABLE HERBERT WRIGHT,
JR., JUDGE

SUPPLEMENTATION OF
ABSTRACT ORDERED

WAYMOND M. BROWN, Judge

This is an appeal from a Pulaski County jury trial finding Brennan King guilty of one count of sexual assault in the second degree. Because the abstract does not comply with Arkansas Supreme Court Rule 4-2(a)(5), we cannot reach the merits and order appellant to file a supplemental abstract.

Rule 4-2(a)(5) requires an appellant to create an abstract of the material parts of all the transcripts in the record. In his brief, appellant challenges the sufficiency of the evidence to support his conviction, but the abstract omits the testimony of numerous witnesses—all of whom appear to have testified for the State—whose testimony was considered by the jury in reaching its verdict. In fact, at least 200 pages of witness testimony is omitted entirely from the abstract submitted by appellant. Because this testimony is essential to understand the issues



and decide this case on the merits, we order appellant to file a supplemental abstract within seven (7) calendar days of the entry of this opinion.¹

We strongly encourage appellate counsel, prior to filing the supplemental abstract, to review our rules as well as the abstract and addendum to ensure that no additional deficiencies are present.

Supplementation of abstract ordered.

WYNNE and ABRAMSON, JJ., agree.

Mark Alan Jesse, for appellant.

Dustin McDaniel, Att’y Gen., by: *William Andrew Gruber*, Ass’t Att’y Gen., for appellee.

¹See Ark. Sup. Ct. R. 4–2(b)(4).