

# ARKANSAS COURT OF APPEALS

DIVISION II  
No. CA10-945

BARRY J. JEWELL

APPELLANT

V.

DEBRA DUREE-JEWELL

APPELLEE

**Opinion Delivered** January 18, 2012

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
SEVENTEENTH DIVISION  
[NO. DR-94-6892]

HONORABLE MACKIE M. PIERCE,  
JUDGE

AFFIRMED

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**ROBIN F. WYNNE, Judge**

Appellant Barry Jewell appeals pro-se from the circuit court's denial of his motion to terminate or decrease his child-support obligation due to his incarceration in federal prison. We have twice ordered rebriefing in this matter due to deficiencies in Mr. Jewell's brief, and in doing so, we encouraged Mr. Jewell to review our procedural rules to ensure that no additional deficiencies were present. *Jewell v. Duree-Jewell*, 2011 Ark. App. 212; *Jewell v. Duree-Jewell*, 2011 Ark. App. 490. Although Mr. Jewell has corrected the deficiencies we previously noted, his substituted brief remains deficient in that the abstract fails to comply with Arkansas Supreme Court Rule 4-2(a)(5) (2011). Therefore, we affirm.

Arkansas Supreme Court Rule 4-2(a)(5) requires an appellant to submit a brief including an abstract of the material parts of all the transcripts in the record. Information in a transcript is material if the information is essential for the reviewing court to confirm its



Cite as 2012 Ark. App. 64

jurisdiction, understand the case, and decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(5). When an appellant submits a brief with an insufficient abstract such that the court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the appellant will be afforded an opportunity to cure the deficiencies. Ark. Sup. Ct. R. 4-2(b)(3). If the appellant fails to cure the deficiencies, however, the judgment or decree may be affirmed for noncompliance with the rule. *Id.*

In this case, the circuit court held a hearing on Mr. Jewell's motion to modify child support, and the sixteen-page transcript of that hearing can be found in the record. However, Mr. Jewell's abstract of that transcript is only one and one-half pages long. Mr. Jewell failed to abstract portions of the transcript in which the court considered arguments that are the basis of his points on appeal. Those portions of the transcript are material, and Mr. Jewell failed to comply with our procedural rules by omitting them. Because we have given Mr. Jewell two previous opportunities to cure such deficiencies and he has not done so, we affirm for noncompliance with Rule 4-2.

Affirmed.

HART and GLADWIN, JJ., agree.

*Barry Jewell*, pro se appellant.

No response.