

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR11-659

BILLY JOE CLARK

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 18, 2012

APPEAL FROM THE WOODRUFF
COUNTY CIRCUIT COURT
[NO. CR-09-70]

HONORABLE L.T. SIMES, II, JUDGE

REBRIEFING ORDERED

ROBERT J. GLADWIN, Judge

Appellant Billy Joe Clark appeals his conviction on a charge of second-degree assault in the Woodruff County Circuit Court for which he was sentenced to fifteen days in the Woodruff County jail and fined \$1000. Appellant argues that his conviction should be reversed because the charging instrument, an arrest warrant, did not comply with Arkansas Rule of Criminal Procedure 7.1(c) (2011), because it was issued without an independent judicial determination of probable cause. He also argues that the trial court erred in suppressing certain testimony. Because appellant's addendum is not in compliance with Arkansas Supreme Court Rule 4-2(a)(8)(2011), we do not consider the appeal at this time and order rebriefing.

Rule 4-2(a)(8) requires the addendum to contain all documents in the record that "are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal." Specifically, the Rule requires "the pleadings . . . all motions



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. . . , responses, replies, exhibits, and related briefs, concerning the order, judgment or ruling challenged on appeal” to be included. Ark. Sup. Ct. R. 4–2(a)(8)(A)(i).

In this case, appellant failed to include any of the relevant documents from the original Woodruff County District Court proceeding in his addendum on direct appeal. As noted above, the pleadings are necessary to our understanding of the case and must be included in the addendum. Therefore, we order rebriefing.

Specifically, we order appellant to cure the deficiency of his addendum by filing supplemental addenda to provide the additional materials pursuant to Rule 4-2(b)(4) (2011) within seven calendar days of entry of this order. *See In re Ark. Supreme Court & Court of Appeals Rule 4-2(b)*, 2011 Ark. 141 (per curiam). In the event appellant fails to file a complying brief within that time period, the judgment may be affirmed for noncompliance with the rule. *Id.*

Rebriefing ordered.

HART and WYNNE, JJ., agree.

Crumpton & Collins, P.A., by: *Greg Crumpton*, for appellant.

Dustin McDaniel, Att’y Gen., by: *Rebecca B. Kane*, Ass’t Att’y Gen., for appellee.