

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR12-30

RICHARD STEPHEN FEDERICK
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered June 20, 2012

APPEAL FROM THE SALINE
COUNTY CIRCUIT COURT
[NO. CR-2011-228-II]

HONORABLE GARY ARNOLD,
JUDGE

REBRIEFING ORDERED

CLIFF HOOFFMAN, Judge

Appellant Richard Stephen Federick entered a conditional plea of nolo contendere to one count of sexual indecency with a child, reserving in writing his right to appeal the denial of his motion to dismiss for a speedy-trial violation.¹ He was sentenced to two years' imprisonment and received a four-year suspended imposition of sentence. On appeal, Federick argues that the trial court erred by denying his motion to dismiss on speedy-trial grounds and finding that his prosecution was not barred. We decline to reach the merits of his argument at this time and instead order rebriefing due to Federick's failure to include the trial court's docket sheets in his addendum.

Under Ark. Sup. Ct. R. 4-2(a)(8) (2011), an appellant's addendum must include all motions, as well as exhibits, concerning the order, judgment, or ruling challenged on appeal.

¹See Ark. R. Crim. P. 24.3(b) and 28.1(g) (2011).



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In addition, the addendum must include “any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal[,]” and docket sheets are specifically listed as an example. Ark. Sup. Ct. R. 4-2(a)(8).

Though the docket sheets were attached as an exhibit to Federick’s motion to dismiss and considered by the trial court during the hearing on his motion, he did not include them in his addendum as required under the rule. We find that the docket sheets are essential to our understanding of the issues involved in this appeal. See *Hicks v. State*, 340 Ark. 605, 12 S.W.3d 219 (2000) (finding that the court was unable to review appellant’s speedy-trial argument where he did not include the docket sheet in the record). Therefore, we order that Federick either file a supplemental addendum containing the docket sheets from both the Garland and Saline County Circuit Courts or file a substituted brief including these docket sheets in the addendum within fifteen days from the date of our opinion.² Ark. Sup. Ct. R. 4-2(b)(3). A failure to comply with this order within the prescribed time period may result in the judgment being affirmed for noncompliance with the rule. *Id.* The State will then have the opportunity to file a substituted brief in response, or it may choose to rely on the brief previously filed in this appeal.

Rebriefing ordered.

²Although Federick was originally charged in Garland County, the charges were later nol prossed and then refiled in Saline County when it was discovered that the offense was committed there.



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PITTMAN and GRUBER, JJ., agree.

Hurst, Morrissey & Hurst, P.L.L.C., by: *Q. Byrum Hurst, Jr.*, for appellant.

Dustin McDaniel, Att’y Gen., by: *Karen Virginia Wallace*, Ass’t Att’y Gen., for appellee.