

## ARKANSAS COURT OF APPEALS

DIVISION III  
No. CA11-1179

CYNTHIA WINGFIELD

APPELLANT

V.

JEFFERY WINGFIELD

APPELLEE

Opinion Delivered September 19, 2012

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT, SIXTH  
DIVISION  
[NO. DR-07-973]

HONORABLE TIMOTHY DAVIS  
FOX, JUDGE

REMANDED FOR  
SUPPLEMENTATION OF THE  
RECORD; REBRIEFING ORDERED

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### RAYMOND R. ABRAMSON, Judge

Appellant Cynthia Wingfield appeals from the circuit court's denial of her motion to modify child custody. Because the record and addendum are devoid of the final divorce decree awarding custody, we remand for supplementation of the record and rebriefing.

Arkansas Rule of Appellate Procedure—Civil 6(e) (2012) states that, if anything material to either party is omitted from the record, the appellate court may, on its own initiative, direct that the omission be corrected and that a supplemental record be certified and transmitted. The final divorce decree from which Ms. Wingfield's motion to modify custody stems is essential to our understanding of the case. Because that order is not contained in the record brought forward by Ms. Wingfield, we remand this case to supplement the record.



Because the divorce decree was not in the record, it was likewise not included in the addendum. Arkansas Supreme Court Rule 4-2(a)(8) (2012) requires an appellant to submit a brief including an addendum that contains “true and legible copies of the non-transcript 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.” When an appellant submits an insufficient addendum such that the court cannot reach the merits of the case, the appellate court will notify the appellant that he or she will be afforded fifteen days in which to cure the deficiencies and file a substituted abstract, brief, and addendum at his or her own expense. Ark. Sup. Ct. R. 4-2(b)(3) (2012). Although Ms. Wingfield includes her motion to modify child custody and the order denying that motion in her addendum, we cannot fully understand the case and decide the issues she presents without the order from which her motion stems. Thus, it is imperative that she include that document in the addendum.

Accordingly, we remand for supplementation of the record and order rebriefing. Ms. Wingfield has fifteen days from the date of this opinion to file the supplemental record with the clerk’s office. Upon the filing of the supplemental record, Ms. Wingfield has fifteen days in which to file a substituted addendum and brief. If she fails to do so within that time, the circuit court’s order may be affirmed. We further encourage counsel to review Rule 4-2 in its entirety as it relates to the abstract and addendum, as well as the entire record, to ensure that no additional deficiencies are present.

Remanded for supplementation of the record; rebriefing ordered.

HOOFFMAN and BROWN, JJ., agree.

*Hilburn, Calhoon, Harper, Pruniski & Calhoun, Ltd.*, by: *Sam Hilburn and Traci LaCerra*, for appellant.

*Mason & Harmon, PLLC*, by: *Monica L. Mason*, for appellee.