

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CACR11-1224

JOHN LEWIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 3, 2012

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
SEVENTH DIVISION [NO. CR-2010-  
3929]

HONORABLE BARRY SIMS, JUDGE

SUPPLEMENTATION OF  
ADDENDUM ORDERED

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## JOHN MAUZY PITTMAN, Judge

After a de novo bench trial in Pulaski County Circuit Court, appellant was found guilty of driving while intoxicated. He was sentenced to one day in jail, fined \$150, ordered to attend an alcohol-education class, and had his driver's license suspended for six months. For reversal, he argues that there was insufficient evidence to support the trial court's finding of guilt. Appellant also argues that the trial court erred in finding that the arresting officer had reasonable suspicion to stop his vehicle; in finding that the officer had probable cause to arrest appellant following the stop; and in ruling that the arresting officer properly denied appellant's request to consult counsel before taking a breathalyzer test. We cannot address the merits because appellant has failed to comply with the Arkansas Supreme Court's rules governing the contents of the abstract and addendum. We order appellant to comply with Ark. Sup. Ct. R.



4-2(a)(8)(A)(i) by submitting a supplemental addendum including the video recording of the pursuit.

The Rule plainly requires an appellant to include in the addendum exhibits, including computer disks, CDs, and DVDs, that are essential for the appellate court to understand the case.<sup>1</sup> Here, the video recording of the pursuit and the accompanying viewing software are contained on a computer-data compact disc attached to the record, but the CD has not been included in the addendum. Furthermore, appellant's argument regarding reasonable suspicion to stop is almost entirely premised on his assertion that the video recording was sufficiently clear to positively establish that the arresting officer was wrong when he testified that appellant's vehicle had crossed the center line of the roadway.

Although appellant's addendum is flagrantly deficient, the deficiency does not require complete rebriefing. Consequently, we will permit appellant to file, within seven calendar days, a supplemental addendum to provide the video exhibit to the members of the court. Ark. Sup. Ct. R. 4-2(b)(4).

Supplementation of addendum ordered.

GLADWIN and ROBBINS, JJ., agree.

*James, Carter & Coulter, PLC*, by: *John D. Coulter; David H. Williams*, for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Nicana C. Sherman*, Ass't Att'y Gen., for appellee.

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<sup>1</sup>Permission to omit an exhibit from the addendum on the ground that it cannot be reproduced may be sought by motion under Ark. Sup. Ct. R. 4-2(a)(8)(A)(ii), but no such motion was filed in this case.