

**ARKANSAS COURT OF APPEALS**

DIVISION II  
No. CA11-1229

RODNEY D. KANKEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 10, 2012

APPEAL FROM THE FULTON  
COUNTY CIRCUIT COURT  
[NO. CV 2011-23-4]

HONORABLE TIM WEAVER,  
JUDGE

SUPPLEMENTAL ADDENDUM  
ORDERED

---

RITA W. GRUBER, Judge

Appellant Rodney D. Kankey filed this appeal from an order of the Fulton County Circuit Court dismissing his appeal from district court for lack of jurisdiction. Appellant filed a petition in district court against the State pursuant to Ark. Code Ann. § 5-62-106 (Supp. 2011) for the return of his horses, which the State had seized.<sup>1</sup> He lost in district court and appealed the district court's order divesting him of ownership of the horses to the circuit court. The State filed a motion to dismiss the appeal in circuit court alleging that appellant had failed to file a certified copy of the district court's record within thirty days of the entry of the district court's order. The circuit court found that the appeal was untimely and dismissed it for lack of jurisdiction. Appellant appealed to this court. We order appellant to file a supplemental addendum within seven calendar days to cure deficiencies.

---

<sup>1</sup>The State was pursuing a criminal case against Mr. Kankey for felony counts of aggravated cruelty to a horse and misdemeanor counts of cruelty to animals.

To perfect an appeal from district court to circuit court in a civil case, Rule 9 of the Arkansas District Court Rules requires the appellant to file a certified copy of the district court's docket sheet in the circuit court within thirty days from the date of a docket entry awarding judgment. Ark. Dist. Ct. R. 9(a)–(b) (2011). This thirty-day requirement is mandatory and jurisdictional, and the circuit court has no authority to accept untimely appeals. *Ark. State Univ. v. Prof'l Credit Mgmt., Inc.*, 2009 Ark. 153, at 2–3, 299 S.W.3d 535, 536.

Arkansas Supreme Court 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.” In this case, the circuit court dismissed appellant's appeal from district court because the appeal was untimely and it therefore had no subject-matter jurisdiction. If the circuit court had no subject-matter jurisdiction, this court has no subject-matter jurisdiction. 2009 Ark. 153, at 3, 299 S.W.3d at 536.

Appellant failed to include in his addendum filed-marked copies of the documents that he filed in circuit court to initiate his appeal from district court. Thus, we cannot determine whether the circuit court had jurisdiction over the appeal and thus whether we have jurisdiction over this appeal. Consequently, we direct appellant to correct this deficiency by filing a supplemental addendum including these additional materials within seven calendar days from the date of this opinion. Ark. Sup. Ct. R. 4-2(b)(4) (2012); *see also In re 4-2(b) of the Rules of the Supreme Court*, 2011 Ark. 141. We strongly encourage appellant's counsel,

prior to filing the supplemental addendum, to review our rules as well as the abstract and addendum to ensure that no additional deficiencies are present.

Supplemental addendum ordered.

ABRAMSON and WYNNE, JJ., agree.

*Bailey & Russo, PLC*, by: *John O. Russo*, for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Jake H. Jones*, Ass't Att'y Gen., for appellee.