

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR12-377

TERRY ANTONIO LEE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered December 12, 2012

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
SEVENTH DIVISION
[NO. CR-10-48]

HONORABLE BARRY SIMS, JUDGE

REMANDED FOR SUPPLEMENTAL
ADDENDUM

WAYMOND M. BROWN, Judge

Appellant Terry Lee appeals an order of the Pulaski County Circuit Court convicting him of a terroristic act, criminal attempt to commit first-degree battery, and four counts of aggravated assault. He also received a firearm enhancement. He was sentenced as a habitual offender to an aggregate term of eighty-five years' imprisonment. Lee argues on appeal that the trial court erred by denying his directed-verdict motions; that the trial court abused its discretion by refusing to instruct the jury on concurrent and consecutive sentences; and that he cannot be convicted of a terroristic act, attempted first-degree battery, and aggravated assault without being subjected to double jeopardy. We are unable to reach the merits of Lee's arguments at this time due to deficiencies in his addendum.



Cite as 2012 Ark. App. 706

Arkansas Supreme Court Rule 4-2(a)(8)¹ requires that an appellant's brief include an addendum consisting of all documents essential to the appellate court's resolution of the issues on appeal, including, but not limited to, trial exhibits. In a case involving a jury trial, the jury-verdict forms must also be included in the addendum.² Here, appellant has failed to include the following in his addendum: stage-two jury-verdict form as to the victim, Erica Brown; a CD of the 911 calls; the photo line-up identification and statement by Arthur Robinson; evidence of Lee's prior convictions; and the note from the jury. Lee has seven days to file a supplemental addendum.³ We strongly encourage appellate counsel, prior to filing the supplemental addendum, to review our rules as well as the record and addenda to ensure that no other deficiencies are present.

Remanded for supplemental addendum.

PITTMAN and WYNNE, JJ., agree.

John Wesley Hall, for appellant.

Dustin McDaniel, Att'y Gen., by: *Valerie Glover Fortner*, Ass't Att'y Gen., for appellee.

¹(2012).

²*Id.*

³Ark. Sup. Ct. R. 4-2(b)(4). See *In re 4-2(b)(4) of the Rules of the Supreme Court & Court of Appeals*, 2011 Ark. 141.