

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA12-701

F. ALLAN MIDYETT

APPELLANT

V.

NANCY MIDYETT

APPELLEE

Opinion Delivered May 1, 2013

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. DR-2011-813-5]

HONORABLE BETH STOREY
BRYAN, JUDGE

REBRIEFING ORDERED

PHILLIP T. WHITEAKER, Judge

Allan Midyett appeals from an order of the Washington County Circuit Court holding him in contempt and refusing to modify his alimony obligation. We order rebriefing.

Midyett has abstracted testimony in a question-and-answer format and in the third person. He has also abstracted several written motions and responses. In places, the abstract contains commentary, such as describing a witness's testimony as "vague."

The abstract should be an impartial condensation, without comment, of stenographically reported material. Ark. Sup. Ct. R. 4-2(a)(5)(B) (2012). Written motions and responses should not be abstracted. Testimony must be abstracted using the first person rather than the third person. *Id.* A question-and-answer format may not be used. *Id.* Midyett's brief violates these provisions and must be corrected before we address his arguments.

Midyett's statement of the case should also be revised. It contains argument and legal authority. A statement of the case must be concise and without argument. Ark. Sup. Ct. R.



4-2(a)(6) (2012).

Midyett has fifteen days from the date of this order to file a complying abstract, addendum, and brief. Ark. Sup. Ct. R. 4-2(b)(3) (2012); *Boykin v. Crockett Adjustment Ins.*, 2012 Ark. App. 685; *Paschal v. Paschal*, 2012 Ark. App. 18. We encourage Midyett to review the rules to ensure that no other deficiencies are present. A model appellant's brief is available for review on the judiciary website.¹ Failure to timely correct the deficiencies may result in affirmance of the circuit court's order. Ark. Sup. Ct. R. 4-2(c)(2) (2012).

Rebriefing ordered.

WALMSLEY and GLOVER, JJ., agree.

Carole D. Sexton, for appellant.

Virginia Middleton, for appellee.

¹ <http://courts.arkansas.gov/aoc/forms.cfm>