

**ARKANSAS COURT OF APPEALS**

DIVISION II

No. CR-16-568

JAMES PAFFORD

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered:** May 3, 2017

APPEAL FROM THE HEMPSTEAD  
COUNTY CIRCUIT COURT  
[NO. 29CR-15-112]

HONORABLE DUNCAN  
CULPEPPER, JUDGE

REMANDED TO SETTLE AND  
SUPPLEMENT THE RECORD;  
REBRIEFING ORDERED

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**MIKE MURPHY, Judge**

A Hempstead County jury convicted appellant James Pafford of two counts of rape and two counts of sexual assault in the second degree. Pafford was sentenced to twenty-five years' imprisonment in the Arkansas Department of Correction (ADC) on each rape conviction, to run consecutively to each other, and five years' imprisonment on each sexual-assault conviction, to run concurrently with the rape convictions, totaling fifty years in the ADC. Pafford timely filed a motion for new trial, and the circuit court denied the motion by order. From that order, Pafford appeals. We do not reach the merits of appellant's arguments due to a deficiency in the record and appellant's addendum.

Pafford raises four points for reversal. All four issues require us to consider his motion for new trial, which we are not able to do with the record before us. Both the record and addendum are missing pages fourteen through eighteen of the nineteen-page motion and

brief in support of a new trial. Arkansas Supreme Court Rule 4-2(a)(8) requires that an appellant's brief include an addendum consisting of all documents essential to this court's resolution of the issues on appeal. Additionally, if anything material to either party is omitted from the record by error or accident, we may direct that the omission be corrected, and if necessary, that a supplemental record be certified and transmitted. Ark. R. App. P.–Civ. (6)(e).

Because of the deficiency in the record as outlined above, we remand to the circuit court to settle and supplement the record with the necessary documents within thirty days. *Whitson v. State*, 2013 Ark. App. 730, at 2. Pafford shall have fifteen days from the date the supplemental record is lodged to file a substituted abstract, addendum, and brief. *See* Ark. Sup. Ct. R. 4-2(b)(3). After service of the substituted brief, the State shall have fifteen days to revise or supplement its responsive brief or it may rely on the brief that it has previously filed in this appeal. The parties originally requested an oral argument in this case, and they may request one again. Counsel is reminded to carefully review the rules to ensure that no other deficiencies exist.

Remanded to settle and supplement the record; rebriefing ordered.

ABRAMSON and HIXSON, JJ., agree.

*Benca & Benca*, by: *Patrick J. Benca*, for appellant.

*Leslie Rutledge*, Att'y Gen., by: *Kristen C. Green*, Ass't Att'y Gen., for appellee.