

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-16-941

JOSEPH THOMAS LACEFIELD
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered: September 20, 2017

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NOS. 04CR-14-821, 04CR-14-1460,
04CR-15-69]

HONORABLE ROBIN F. GREEN,
JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

A Benton County jury found appellant Joseph Thomas Lacefield guilty of two counts of robbery and one count of aggravated robbery. He was sentenced to an aggregate term of thirty years' imprisonment. He argues on appeal that (1) the trial court erred by allowing gloves and testimony about the gloves into evidence, (2) the trial court erred by allowing two notes into evidence, and (3) the evidence was insufficient to support his convictions. We do not reach the merits of Lacefield's arguments due to deficiencies in his abstract, addendum, and brief.

Arkansas Supreme Court and Court of Appeals Rule 4-2(a)(5)(A)¹ provides that all material parts of a transcript must be abstracted. "Information in a transcript is material if the information is essential for the appellate court to confirm its jurisdiction, to understand

¹(2016).

the case, and to decide the issues on appeal.”² Here, Lacefield has failed to abstract all the material portions of his trial. Rather, he has identified those portions of the evidence in which he complains and has omitted the full context in which that evidence was received. We cannot review this case without a brief that outlines all the evidence considered by the jury and court, including evidence adverse to Lacefield. Although Lacefield argues as a point on appeal that the evidence was insufficient to support his convictions, he has failed to include an abstract of the evidence, as well as any indication that he renewed his directed-verdict motion in a timely manner. He has also skipped numerous transcript pages in his abstract without indicating whether they were necessary to the issues on appeal.

The “question-and-answer format” is prohibited in the abstract unless in “the extraordinary situations where a short exchange cannot be converted to a first-person narrative without losing important meaning.”³ Here, Lacefield has used the prohibited format while abstracting the cross-examination of witnesses. However, it is clear that the testimony can be converted to first person without losing any important meaning.

An appellant’s brief must include an addendum consisting of all documents essential to this court’s resolution of the issues on appeal, including exhibits and notices of appeal.⁴ Here, appellant has failed to include a file-marked copy of his notice of appeal in the addendum. Without this document, this court is unable to confirm its jurisdiction. Additionally, since appellant is challenging the sufficiency of the evidence, he needs to

²*Id.*

³Ark. Sup. Ct. R. 4-2(a)(5)(B).

⁴Ark. Sup. Ct. R. 4-2(a)(8).

include all exhibits that were introduced to support the charges for which he was convicted, including the surveillance videos and pictures.

Due to the numerous deficiencies in Lacefield's abstract, addendum, and brief, we order him to file a substituted brief that complies with our rules.⁵ The substituted abstract, addendum, and brief shall be due fifteen days from the date of this opinion.⁶ We remind counsel that the examples we have noted are not to be taken as an exhaustive list of deficiencies. Counsel should carefully review the rules to ensure that no other deficiencies exist.

Rebriefing ordered.

GRUBER, C.J., and WHITEAKER, J., agree.

David Hogue, for appellant.

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

⁵Ark. Sup. Ct. R. 4-2(b)(3).

⁶*Id.*