

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-16-1116

CORNELL TAPER

APPELLANT

V.

CITY OF FORREST CITY;
GORDON MCCOY, FORMER
MAYOR; AND LARRY BRYANT,
MAYOR

APPELLEES

Opinion Delivered: September 20, 2017

APPEAL FROM THE ST. FRANCIS
COUNTY CIRCUIT COURT
[NO. 62CV-13-127]

HONORABLE RICHARD L. PROCTOR,
JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD AND TO
SUPPLEMENT THE ADDENDUM

KENNETH S. HIXSON, Judge

Appellant Cornell Taper was terminated from his job as a Forrest City Police Officer for failing to perform his duties and using excessive force against an arrestee. Mr. Taper subsequently filed a complaint against appellees City of Forrest City and its current and former mayor, alleging violations of the Arkansas Civil Rights Act and seeking reinstatement and damages. The trial court entered summary judgment for the appellees. On appeal, Mr. Taper argues that the trial court erred in granting summary judgment because he was denied due process prior to being terminated. However, we are unable to address the merits of Mr. Taper's appeal at this time because of deficiencies in the record as well as in appellant's addendum. Therefore, we remand to settle and supplement the record and to supplement the addendum.

The record filed with our court is incomplete because pages 99–155 are missing. The index to the record reflects that these omitted pages contain numerous exhibits attached to appellees’ summary-judgment motion, as well as a portion of appellees’ brief in support of the motion. We remand to supplement the record with the missing pages.

Additionally, appellant’s addendum failed to include all the necessary materials pursuant to Arkansas Supreme Court Rule 4-2(a)(8)(A)(i). That rule provides that the addendum shall contain computer disks and DVDs that are necessary to understand the case and decide the issues on appeal. One of the attachments to the appellees’ summary-judgment motion was a DVD disk containing a video recording of Mr. Taper’s alleged use of excessive force. The index to the record shows this DVD to be attached on page 148, which is among the missing pages of the record and will be contained in the supplemental record after our remand. After the record has been so supplemented, we order Mr. Taper to file a supplemental addendum containing the DVD.

If anything material to either party is omitted from the record, this court may direct that the record be settled and supplemented and that a supplemental record be certified and transmitted. Ark. R. App. P.–Civ. 6(e); *Boyd v. Crocker*, 2016 Ark. App. 382. Accordingly, we order the record to be settled and supplemented pursuant to Rule 6(e). In addition, we order supplementation of the addendum pursuant to Arkansas Supreme Court Rule 4-2(b)(4). Appellant has fifteen calendar days to settle and supplement the record. Appellant shall then have seven days from the date the supplemental record is lodged to file a supplemental addendum.

Remanded to settle and supplement the record and to supplement the addendum.

ABRAMSON and VAUGHT, JJ., agree.

Ronald L. Davis Law Firm, by: *Ronald L. Davis, Jr.*, for appellant.

John L. Wilkerson, for appellee.