

Cite as 2017 Ark. App. 663

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CR-17-70

Opinion Delivered December 6, 2017

JORDAN WILLIAMS

APPELLANT

APPEAL FROM THE HEMPSTEAD  
COUNTY CIRCUIT COURT  
[NO. 29CR-15-150]

V.

STATE OF ARKANSAS

APPELLEE

HONORABLE DUNCAN CULPEPPER,  
JUDGE

REBRIEFING ORDERED

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## N. MARK KLAPPENBACH, Judge

Jordan Williams was convicted by a jury in Hempstead County Circuit Court of two counts of aggravated robbery, one count of aggravated residential burglary, one count of first-degree battery, two counts of second-degree battery, one count of interference with emergency communication, and one count of misdemeanor theft of property. He received an aggregate sentence of fifty years' imprisonment. On appeal, Williams argues that the circuit court erred in denying his motion to suppress, denying his *Batson* challenge, and denying his motion for directed verdict. Due to deficiencies in Williams's abstract, we cannot reach the merits of his arguments, and we order rebriefing.

Arkansas Supreme Court Rule 4-2(a)(5) requires an appellant to create an abstract of the material parts of the transcripts in the record. Information is material if it is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. Ark. Sup. Ct. R. 4-2(a)(5). Rule 4-2 provides as follows regarding the form of the abstract:

The abstract shall be an impartial condensation, without comment or emphasis, of the transcript (stenographically reported material). The abstract must not reproduce the transcript verbatim. No more than one page of a transcript shall be abstracted without giving a record page reference. In abstracting testimony, the first person (“I”) rather than the third person (“He or She”) shall be used. The question-and-answer format shall not be used. In the extraordinary situations where a short exchange cannot be converted to a first-person narrative without losing important meaning, however, the abstract may include brief quotations from the transcript.

Ark. Sup. Ct. R. 4-2(a)(5)(B).

Williams’s abstract includes more than 250 pages of material from the suppression hearing, jury voir dire, and the jury trial, but it is a verbatim reproduction of the transcripts in question-and-answer format. This is expressly forbidden by Rule 4-2. *See R.B. v. State*, 2013 Ark. App. 145. Furthermore, Williams’s abstract of the jury trial completely omits the case put on by the defense and the renewal of his directed-verdict motion. The plain language of Arkansas Rule of Criminal Procedure 33.1 requires that a motion for directed verdict be renewed at the close of all the evidence, and failure to do so operates as a waiver of any question pertaining to the sufficiency of the evidence to support the guilty verdicts. *Ross*

*v. State*, 2015 Ark. App. 613, 474 S.W.3d 539. For this court to decide Williams's challenge to the sufficiency of the evidence, he must abstract the material parts of the defense's case including the renewal of his motion for directed verdict.

We order Williams to file a substituted brief curing the deficiencies in the abstract within fifteen days from the date of this opinion pursuant to Rule 4-2(b)(3). After service of the substituted brief, the State shall have the opportunity to revise or supplement its brief, or the State may choose to rely on the brief previously filed in this appeal. While we have noted the above-mentioned deficiencies, we strongly encourage counsel to review our rules to ensure that no additional deficiencies are present.

Rebriefing ordered.

WHITEAKER and VAUGHT, JJ., agree.

*Dana Stone*, for appellant.

*Leslie Rutledge*, Att'y Gen., by: *Jason M. Johnson*, Ass't Att'y Gen., for appellee.