

Cite as 2017 Ark. App. 701
ARKANSAS COURT OF APPEALS

DIVISION II
No. CV-17-467

CLIFTON LEWIS

APPELLANT

V.

RONDA LEWIS

APPELLEE

Opinion Delivered: December 13, 2017

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. 35DR-17-125]

HONORABLE LEON N. JAMISON,
JUDGE

REBRIEFING ORDERED

MIKE MURPHY, Judge

On February 3, 2017, appellee Ronda Lewis filed a petition for order of protection in Jefferson County on behalf of her and her two children against her husband, appellant Clifton Lewis. In her affidavit, Ronda averred that Clifton had pushed her, told her to shut up, and made her afraid to be at home due to his violent temper. After a hearing, the court entered a final order of protection preventing Clifton from contacting Ronda for two years. In this one-brief appeal, Clifton argues that there was insufficient evidence to support the order of protection. We are unable to reach the merits of the appeal due to briefing deficiencies and order rebriefing.

The appellant's brief contains errors within the abstract and addendum that preclude our review. With respect to abstracting, Arkansas Supreme Court Rule 4-2(a)(5)(B) provides that

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.

(Emphasis added.) Review of Clifton’s abstract reveals that it is an almost entirely verbatim reproduction of the transcript, which is expressly forbidden by Rule 4-2(a)(5)(B). We further note that the last three pages of the transcript are not included in the abstract at all; those pages include the ruling of the court from the bench, and counsel is encouraged to consider abstracting it pursuant to Arkansas Supreme Court Rule 4-2(a)(5)(A).

Regarding the addendum, Arkansas Supreme Court Rule 4-2(a)(8)(B) instructs that each page in the addendum show the record page number where the original is located. However, only a handful of the pages in Clifton’s addendum contain a reference to the record page number.

Appellant has fifteen days from the date of this opinion to file a substituted brief, abstract, and addendum that complies with our rules. The deficiencies we have noted are not to be taken as an exhaustive list. We strongly encourage counsel to review the rules and to ensure that no other deficiencies are present before filing the substituted brief, abstract, and addendum.

Rebriefing ordered.

ABRAMSON and BROWN, JJ., agree.

McKissic & Associates, PLLC, by: *Gene E. McKissic, Sr.*, and *Jackie B. Harris*, for appellant.

One brief only.