

ARKANSAS COURT OF APPEALS

DIVISION II

No. CACR10-722

CHASMUN F. MILLER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered February 2, 2011

APPEAL FROM THE UNION
COUNTY CIRCUIT COURT
[NO. CR-07-39-1-1]

HONORABLE HAMILTON H.
SINGLETON, JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Appellant Chasmun Miller appeals the revocation of his suspended sentence for conspiracy to deliver a controlled substance (~~cocaine~~) in case No. CR-07-39-1-1.¹ Miller was sentenced to fifteen years' imprisonment. He argues that the trial court erred in revoking his suspended sentence by failing to comply with Arkansas Code Annotated section 5-4-303(g).² We order rebriefing because an essential document is missing from Miller's addendum.

Arkansas Supreme Court Rule 4-2(a)(8) requires that the addendum contain the order appealed from, including all versions of the order being challenged on appeal if the court

¹Miller's suspended sentence was also revoked in case No. CR-03-725-1-1; however, that case is not the subject of this appeal.

²(Supp. 2009).

amended the order. Here, the State filed a motion on October 25, 2010, to remand to the trial court to correct the record. That motion was granted and the case was remanded on November 10, 2010. The trial court issued an order on November 22, 2010, explaining the reasons for the mistakes contained in the original judgment and commitment orders entered on December 14, 2009.³ The court entered a first amended judgment and commitment order in the underlying case on November 9, 2010. It entered a second amended judgment and commitment order on November 22, 2010. Miller's addendum failed to include any of the amended orders. "The Arkansas Supreme Court has required rebriefing when key documents are missing from the addendum, and has strongly implied that rebriefing is mandatory where essential documents are lacking."⁴ Therefore, we order Miller to cure the deficiencies by filing a substituted abstract, brief, and addendum within fifteen days from the date of this opinion.⁵ Failure to do so within the prescribed time may result in the judgment appealed from being affirmed for noncompliance.⁶ After service of the substituted abstract, brief, and addendum, the State shall have an opportunity to revise or supplement its brief in the time prescribed by the clerk.⁷

Rebriefing ordered.

GLADWIN and HOOFFMAN, JJ., agree.

³Although the judgment and commitment order included in Miller's addendum contained the case number associated with this appeal, the reflected sentence did not.

⁴*Fowler v. State*, 2010 Ark. App. 811(internal citations omitted).

⁵Ark. Sup. Ct. R. 4-2(b)(3).

⁶*Id.*

⁷*Id.*