

Cite as 2018 Ark. App. 109

**ARKANSAS COURT OF APPEALS**

DIVISION III

No. CR-17-736

T.R.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered:** February 14, 2018

APPEAL FROM THE CRAIGHEAD  
COUNTY CIRCUIT COURT,  
WESTERN DISTRICT  
[NOS. 16JJV-16-551, 16JJV-17-51,  
16JJV-17-160]

HONORABLE RICHARD ANDREW  
LUSBY, JUDGE

REMANDED TO SETTLE AND  
SUPPLEMENT THE RECORD;  
REBRIEFING ORDERED

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**RITA W. GRUBER, Chief Judge**

Appellant T.R. was charged in the Craighead County Circuit Court Juvenile Division with battery in the third degree and with violating his probation based on the battery, and the circuit court adjudicated appellant on both charges. Because the record is incomplete and we do not have the documents we need to decide this appeal, we remand the case to the circuit court to settle the record.

From the record and addendum before us, we can tell that on January 4, 2017, appellant was adjudicated delinquent for aggravated robbery and theft of property and sentenced to 12 months of probation in case no. JV2016-551. On February 22, 2017, appellant was adjudicated delinquent for minor in possession of a handgun, obstructing governmental operations, and theft by receiving in case no. JV2017-51. He was sentenced

to 24 months' probation and to 90 days in the juvenile detention center. During his time in juvenile detention, appellant allegedly attacked a fellow inmate. On April 3, 2017, the State filed a petition charging appellant with battery in the third degree in case no. JV2017-116, arising out of the alleged attack on a fellow inmate. That same day, the State also filed a petition for revocation in case no. JV2017-51, alleging that appellant was in violation of his February 22, 2017 probation based on the third-degree-battery charge.

On May 10, 2017, the circuit court heard both the battery case and the revocation case. The circuit court, according to the abstract, adjudicated appellant on the battery charge and found that he had violated the terms of his probation based on the battery. At the May 31, 2017, disposition hearing, appellant was committed to the Division of Youth Services (DYS). A disposition order bearing case number JV2017-51 was entered on May 10, 2017. A delinquency adjudication and DYS commitment order bearing case number JV2017-51 was entered May 31, 2017. Appellant's timely notice of appeal references three cases—JV2017-160, JV2017-51, and JV2016-551<sup>1</sup>—and states that he is appealing “from the Order and Hearing in Craighead County Juvenile Circuit Court on May 10, 2017 and May 31, 2017.”

Appellant's arguments on appeal indicate that he is challenging both the finding of guilt on the battery charge in case no. JV2017-116 and the revocation of his probation in case no. JV2017-51 based on the battery charge. The addendum includes two orders referencing the probation revocation in case no. JV2017-51, but the record and addendum do not contain any orders referencing the disposition of the battery charge in case no. JV17-

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<sup>1</sup>The April 3, 2017 petition for revocation references only case no. JV2017-51.

116. Supreme Court Rule 4-2(a)(8) requires the addendum to include the order from which the appeal is taken. Consequently, appellant's addendum is deficient because it does not contain the essential information showing we have jurisdiction to entertain the appeal. If anything material to either party is omitted from the record by error or accident, we may direct that the omission or misstatement be corrected and, if necessary, that a supplemental record be certified and transmitted. Ark. R. App. P.-Civ. 6(e) (made applicable to criminal cases by Ark. R. App. P. Crim.-4(a)). We strongly urge appellant's counsel and the clerk of the circuit court to examine the record carefully to ensure that it contains all documents necessary for us to confirm our jurisdiction, understand the case, and decide the issues on appeal.

We remand to the circuit court for the record to be settled and supplemented within 30 days. Upon supplementation and filing with our court, we order appellant to supplement his addendum in accordance with Arkansas Supreme Court Rule 4-2(a)(8)(A)(i). The substituted abstract, brief, and addendum are then due within fifteen days after the supplemental record has been filed with this court.

Remanded to settle and supplement the record; rebriefing ordered.

HARRISON and GLOVER, JJ., agree.

*Terry Goodwin Jones*, for appellant.

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