

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR10-500

EDWARD CHARLES SNYDER
APPELLANT

V.

STATE OF ARKANSAS
APPELLEES

Opinion Delivered DECEMBER 8, 2010

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[CR2004-346-2, CR2005-98-2 &
CR2008-1343-1]

HONORABLE WILLIAM A. STOREY,
JUDGE

REBRIEFING ORDERED

RITA W. GRUBER, Judge

Appellant Edward Charles Snyder brings this appeal from an order dated January 25, 2010, revoking his probation and various suspended sentences and sentencing him to a total of one hundred seventy-two months' imprisonment. He does not appeal the revocation itself, but challenges only the sentence. The order and petitions to revoke originated from two cases: (1) CR 2005-98-2, in which appellant pleaded guilty to three counts of second-degree forgery and one count of theft of property, for which he received concurrent sentences of twenty-four months' imprisonment followed by a ninety-six-month suspended sentence for each offense, all to run concurrently; and (2) CR 2008-1343-1, in which appellant pleaded guilty to one count of fleeing, for which he received a sentence of 120 days in jail and forty-eight months' probation. Because appellant's addendum is not in compliance with Arkansas Supreme Court Rule 4-2(a)(8)(A), we do not consider the appeal at this time and order

rebriefing.

Arkansas Supreme Court Rule 4-2(a)(8)(A) (2010) requires the addendum to include “the pleadings . . . on which the circuit court decided each issue.” Appellant failed to include in his addendum the petition, or petitions, for revocation. Although appellant does not challenge the revocation, but only the sentence, the petitions are essential to our understanding of the case, as without them, we do not know whether the circuit court had jurisdiction. Further, an order cannot be reviewed for error when the addendum fails to include the documents on which the order was based. *Bryan v. City of Cotter*, 2009 Ark. 172, 303 S.W.3d 64. In accord with the bright-line rule enunciated in *City of Cotter* requiring rebriefing where essential documents have been omitted from the abstract and addendum, we allow appellant fifteen days from the date of this opinion to file a substituted brief, abstract, and addendum to cure any and all deficiencies, at his own expense. Ark. Sup. Ct. R. 4-2(b)(3) (2010). In the event that appellant fails to file a complying brief within the requisite time period, the judgment may be affirmed for noncompliance with the rule. *See id.*

Rebriefing ordered.

PITTMAN, J., agrees.

GLOVER, J., concurs.

DAVID M. GLOVER, Judge, concurring. I concur for the same reasons stated in my concurrence in *Fowler v. State*, 2010 Ark. App.811, decided this date.