

ARKANSAS COURT OF APPEALS

DIVISION II
No. CR-17-1038

LONNIE DAVIDSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: September 26, 2018

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NOS. 26CR-16-291, 26CR-16-293]

HONORABLE MARCIA R.
HEARNSBERGER, JUDGE

SUPPLEMENTAL ADDENDUM
ORDERED

WAYMOND M. BROWN, Judge

A Garland County jury found appellant Lonnie Davidson guilty of commercial burglary and theft of property, valued at more than \$1000 but less than \$5000, in case 26CR-16-291 and sentenced him to an aggregate term of five years' imprisonment to run concurrent to the sentence he received in case 26CR-16-293. Appellant was also fined \$10,000. In case 26CR-16-293, appellant was found guilty of aggravated robbery and residential burglary and was sentenced to an aggregate term of forty years' imprisonment.¹ Appellant only challenges his aggravated-robbery conviction on appeal, contending that the evidence was insufficient to support the conviction. More specifically, appellant maintains

¹He received twenty-five years' imprisonment for the aggravated-robbery charge and fifteen years' imprisonment for the residential-burglary charge.

that the evidence was “insufficient to prove beyond a reasonable doubt that Appellant employed physical force or threatened to employ physical force upon Mr. and Mrs. Krauss.” We do not reach the merit of appellant’s argument at this time due to deficiencies in his addendum. Therefore, we order that appellant file a supplemental addendum.²

Arkansas Supreme Court Rule 4-2(a)(8)(i)³ requires that the addendum include all items that are essential for the appellate court to understand the case and decide the issues on appeal, including exhibits such as DVDs. Here, appellant has failed to include the DVD of his police interrogation.⁴ He has also failed to include his signed Miranda form in the addendum. These items are essential to this court’s resolution of the issue on appeal. Thus, we order appellant to file a supplemental addendum within seven calendar days from the date of this opinion.⁵ We remind counsel that the items listed are not to be taken as an exhaustive list of deficiencies. Counsel should carefully review the above rule to ensure that no other deficiencies exist.

Supplemental addendum ordered.

GRUBER, C.J., and WHITEAKER, J., agree.

Hancock Law Firm, by: *Sharon Kiel*, for appellant.

Leslie Rutledge, Att’y Gen., by: *Amanda Jegley*, Ass’t Att’y Gen., for appellee.

²We note that in section 2-Basis of Supreme Court Jurisdiction of the brief, appellant’s attorney has erroneously stated that appellant’s appeal is from conspiracy to commit rape for which he was sentenced to thirty years’ imprisonment. However, that is not the issue before this court. We urge counsel to ensure that the information contained in future appeals deals with the correct appellant and/or case.

³(2017).

⁴There’s a transcription of the interrogation in the abstract but the actual DVD is not in the addendum.

⁵See Rule 4-2(b)(4).