

Cite as 2020 Ark. App. 380

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CR-20-56

BRIAN LAUER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: September 9, 2020

APPEAL FROM THE MILLER
COUNTY CIRCUIT COURT
[NO. 46CR-18-278]

HONORABLE KIRK JOHNSON,
JUDGE

SUPPLEMENTATION OF RECORD
AND ADDENDUM ORDERED

BART F. VIRDEN, Judge

On April 30, 2018, Lauer entered a plea of guilty to second-degree battery. Lauer was sentenced to six years' probation, and he was ordered to pay fines, costs, and restitution totaling \$1600 and to have no contact with the victim. On October 30, 2018, the State filed a petition to revoke Lauer's probation because Lauer failed to pay his court-ordered costs, fees, and restitution, failed to report to his probation officer, and failed to report a change of address. On April 2, 2019, Lauer's probation was, after revocation, reinstated with a sixty-day jail sanction. We remand to settle the record and supplement the addendum.

Arkansas Supreme Court Rule 4-2(a)(8) requires that the addendum to Lauer's brief include all documents essential to the appellate court's resolution of the issues on appeal. *See Dees v. State*, 2012 Ark. App. 85. Lauer has failed to include the original sentencing order in both the record and the addendum; thus, we remand to the circuit court for settlement

and supplementation of the record with the necessary order, to be completed within thirty days. Within fifteen days of filing the supplemental record, Lauer shall file a substituted abstract, addendum, and brief. *See* Ark. Sup.Ct. R. 4-2(b)(3) (stating that a party who files a deficient brief is allowed an opportunity to file a conforming brief). If Lauer fails to do so, the judgment and conviction he now appeals may be affirmed for noncompliance with Rule 4-2. *Id.* Should Lauer file a substituted abstract, brief, and addendum, the State may revise or supplement its brief within fifteen days of the filing of Lauer's brief or may rely on its previously filed brief. *Id.* We encourage Lauer to review Rule 4-2 of the Rules of the Arkansas Supreme Court and Court of Appeals to ensure that the substituted brief complies with the rules and that no additional deficiencies are present.

Supplementation of record and addendum ordered.

HARRISON and BROWN, JJ., agree.

Phillip A. McGough, P.A., by: *Phillip A. McGough*, for appellant.

One brief only.