

Cite as 2023 Ark. App. 82
ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-22-392

CHARLES GREENO

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered February 15, 2023

APPEAL FROM THE HOT SPRING
COUNTY CIRCUIT COURT
[NO. 30CR-19-368]

HONORABLE STEPHEN L.
SHIRRON, JUDGE

REBRIEFING ORDERED

MIKE MURPHY, Judge

Appellant Charles Greeno appeals the decision of the Hot Spring County jury finding him guilty of rape and sentencing him to a term of thirty-five years in the Arkansas Department of Correction. On appeal, he argues that substantial evidence does not support the verdict and that the circuit court erred in admitting certain evidence under the pedophile exception. Because of briefing deficiencies, we are unable to reach the merits of his arguments at this time and must order rebriefing.

A notice of appeal in this case was first filed on January 18, 2022. The supreme court made electronic filing of appeals mandatory for cases in which the notice of appeal was filed on or after June 1, 2021. See *In re Acceptance of Records on Appeal in Elec. Format*, 2020 Ark. 421 (per curiam). As such, appellant's counsel correctly filed an electronic brief on behalf of appellant. However, the brief provided does not contain a sufficient statement of the case

and facts section. It only recites the procedural posture. Nor does the argument section contain enough information to understand the case and decide the issues on appeal.

Rule 4-2(a)(6) of the Arkansas Rules of the Supreme Court states the following:

The appellant's brief *shall* contain a concise statement of the case and the facts without argument. The statement shall identify and discuss all material factual and procedural information contained in the record on appeal. Information in the appellate record is material if the information is essential to understand the case and to decide the issues on appeal. All material information must be supported by citations to the pages of the appellate record where the information can be found.

(Emphasis added.)

The requirement that a statement of the case be included is not only for the benefit of this court to understand the case and facts, but the failure to include necessary facts can also limit appellant's requested review of any opinion offered by this court. Arkansas Supreme Court Rule 2-3(h) states, "In no case will a rehearing petition be granted when it is based upon any fact thought to have been overlooked by the Court, unless reference has been clearly made to it in the statement of the case and the facts prescribed by Rule 4-2."

Because of the mandatory language used by the supreme court in Rule 4-2, we cannot overlook the missing section in the brief before us today. Accordingly, we order counsel to file a substituted brief on behalf of appellant, curing any deficiencies within fifteen days from the date of this order. The deficiencies we have noted are not to be taken as an exhaustive list, and we encourage counsel for the appellant to carefully examine the record and review our rules before resubmitting his brief. Upon the filing of a substituted brief, the State will

be afforded an opportunity to revise or supplement its brief in the time prescribed by the clerk.

Rebriefing ordered.

VIRDEN and HIXSON, JJ., agree.

Gregory Crain, for appellant.

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