

Larry NEELY *v.* Lona McCASTLAIN, in Her Official Capacity as  
Prosecuting Attorney of the 23rd Judicial District of Lonoke County,  
Arkansas, and State of Arkansas

08-973

291 S.W.3d 585

Supreme Court of Arkansas  
Opinion delivered January 30, 2009

APPEAL & ERROR — NONCOMPLIANCE WITH ARK. SUP. CT. R. 4-2 —  
REBRIEFING ORDERED. — Ark. Sup. Ct. R. 4-2(a)(8) provides that  
the appellant's brief shall contain an addendum that includes a true  
legible photocopy of the order or judgment from which the appeal is  
taken, "along with any other relevant pleadings, documents, or  
exhibits essential to an understanding of the case and the Court's  
jurisdiction on appeal"; here, appellant's brief was deficient because  
his addendum lacked relevant pleadings essential to an understanding  
of the case; while appellant included a copy of his complaint for  
declaratory judgment and writ of habeas corpus, he failed to include  
the appellees' answers to that complaint, the appellees' joint motion  
for summary judgment, and his response to that motion; also,  
affidavits discussed in appellant's argument were not included in the  
addendum; because appellant failed to comply with the court's rules,  
he was ordered to file a substituted addendum and brief.

Appeal from Lonoke Circuit Court; *Lance L. Hanshaw*,  
Judge; rebriefing ordered.

*J. Thomas Sullivan*, for appellant.

**P**ER CURIAM. Appellant Larry Neely appeals from the cir-  
cuit court's order granting summary judgment to appellees  
Lona McCastlain and the State of Arkansas. Because appellant has  
submitted a brief without a proper addendum in violation of Arkansas  
Supreme Court Rule 4-2(a)(8) (2008), we order rebriefing.

Rule 4-2(a)(8) provides that the appellant's brief shall con-  
tain an addendum that includes a true legible photocopy of the  
order or judgment from which the appeal is taken, "along with any  
other relevant pleadings, documents, or exhibits essential to an  
understanding of the case and the Court's jurisdiction on appeal."  
Rule 4-2(b)(3) provides that, if the court finds the abstract or  
addendum to be deficient, such that the court cannot reach the  
merits of the case, or such as to cause an unreasonable or unjust

delay in the disposition of the appeal, then the court may notify the appellant of the deficiencies and allow appellant to file a substituted brief.

[1] Here, appellant's brief is deficient because his addendum lacks relevant pleadings essential to an understanding of the case. While appellant has included a copy of his complaint for declaratory judgment and writ of habeas corpus, he has failed to include the appellees' answers to that complaint, the appellees' joint motion for summary judgment, and his response to that motion. Also, as part of his argument, appellant discusses information in two affidavits, one affidavit of his own and one affidavit of the investigating officer in his underlying criminal action, but neither affidavit is included in the addendum.

Because appellant has failed to comply with our rules, we order him to file a substituted addendum and brief within fifteen days from the date of entry of this order. If appellant fails to do so within the prescribed time, the judgment appealed from may be affirmed for noncompliance with Rule 4-2. After service of the substituted brief, the appellees shall have an opportunity to revise or supplement their brief in the time prescribed by the clerk.

Rebriefing ordered.

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