

Roderick Leshun RANKIN *v.* STATE of Arkansas

CR 04-1188

216 S.W.3d 130

Supreme Court of Arkansas  
Opinion delivered October 27, 2005

## APPEAL &amp; ERROR — ADDENDUM INSUFFICIENT — REBRIEFING ORDERED.

— Where neither the notice of appeal nor the petition for post-conviction relief or any amendments thereto were included in the addendum, the addendum was insufficient and rebriefing was ordered.

*Durrett & Coleman*, by: *Gerald A. Coleman*, for appellant.

*Mike Beebe*, Att’y Gen., by: *David R. Raupp*, Sr. Ass’t Att’y Gen., for appellee.

**P**ER CURIAM. [1] Appellant Roderick Leshun Rankin appeals the July 13, 2004 order of the Jefferson County Circuit Court, whereby he was denied any relief under Ark. R. Crim. P. 37.5 (2005). However, in violation of Ark. Sup. Ct. R. 4-2(a)(8), the notice of appeal is not included in the addendum. Likewise, the petition for post-conviction relief filed pursuant to Rule 37.5, and any amendments thereto, are not included in the addendum. Pursuant to Ark. Sup. Ct. R. 4-2(b)(3), this court finds that the addendum is insufficient, and the appellant is granted fifteen days from the date of the entry of this order within which to file an amended addendum. *Dodson v. State*, 357 Ark. 646, 187 S.W.3d 854 (2004). Under Ark. R. Sup. Ct. R. 4-2(b)(3), this court may affirm the judgment if an amended addendum is not filed within the fifteen days.

DICKEY, J., not participating.