

Cite as 2017 Ark. 348  
**SUPREME COURT OF ARKANSAS**  
No. CR-17-276

RICHARD JORDON TARVER  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

Opinion Delivered: December 7, 2017

APPEAL FROM THE CRAIGHEAD  
COUNTY CIRCUIT COURT  
[NO. 16CR-15-795]

HONORABLE CINDY THYER, JUDGE

REBRIEFING ORDERED.

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SHAWN A. WOMACK, Associate Justice

Richard Tarver appeals from his conviction for capital murder, kidnapping, aggravated residential burglary, abuse of a corpse, theft of property, and possession of a defaced firearm. He was sentenced to life without parole, two additional life sentences, and a total of twenty-two additional years all to be served consecutively in the Arkansas Department of Correction. On appeal, he argues that the circuit court erred by not granting his motion for directed verdict on all six charges due to insufficient evidence, by allowing the State to present evidence of his prior statements in violation of his constitutional rights, and by denying twenty-five other motions and objections that were prejudicial to him. Because the State has not briefed all points raised by the appellant pursuant to Arkansas Supreme Court Rule 4-3(i), we order rebriefing.

Pursuant to Ark. Code Ann. § 16-91-113(a), this court “review[s] all errors prejudicial to the appellant” in death or life imprisonment cases. Ark. Sup. Ct. R. 4-3(i)

(2017). To ensure that review is effective, we require the appellant to include all adverse rulings in the abstract and addendum. *Id.* Our rule further requires the attorney general to “make certain and certify that all of those objections have been abstracted, or included in the Addendum, and . . . *brief all points argued by the appellant* and any other points that appear to involve prejudicial error.” *Id.* (emphasis added).

The appellant, under a heading relating to this court’s review pursuant to rule 4-3(i), briefed twenty-five points of prejudicial error spanning fourteen pages. The State responded by stating that Tarver did not receive the death penalty, so it did not ensure that all rulings related to the death penalty were included in the briefs on appeal. The State additionally argues that the appellant’s brief does not comply with rule 4-3(i) and, alternatively, the points he raises do not involve prejudicial error.

We have consistently ordered rebriefing when the briefs are insufficient or do not contain necessary information on appeal. *Hicks v. State*, 2017 Ark. 118, at 2 (per curiam); *Williams v. State*, 286 Ark. 492, 494, 696 S.W.2d 307, 308 (1985). The plain language of rule 4-3(i) creates a mandatory duty on behalf of the attorney general to brief all points raised by the appellant and to raise on its own all other issues that appear to involve prejudicial error. In this case, the State made a single paragraph conclusory response that none of Tarver’s briefed issues contain prejudicial error. The attorney general’s response is not compliant with the letter or spirit of our rules, and the State must submit a brief that complies with our rules. The State is therefore ordered to file a compliant brief within thirty days of our order, at which point the appellant will have fifteen days to file a reply.

Rebriefing ordered.

*Terry Goodwin Jones*, for appellant.

*Leslie Rutledge*, Att'y Gen., by: *Pamela Rumpz*, Ass't Att'y Gen., for appellee.