

SUPREME COURT OF ARKANSAS

No. CR 08-1033

LLOYAL WILLIE BRYANT

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 10, 2009

REBRIEFING ORDERED.

PER CURIAM

Appellant Loyal Willie Bryant appeals the Boone County Circuit Court's order denying his motion to suppress statements he made during interrogation. Because his brief fails to comply with our rules, we order rebriefing.

The procedure to be followed when an appellant has submitted an insufficient abstract or addendum is set forth in Arkansas Supreme Court Rule 4-2(b)(3):

Whether or not the appellee has called attention to deficiencies in the appellant's abstract or Addendum, the Court may address the question at any time. 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, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and has fifteen days within which to file a substituted abstract, Addendum, and brief, at his or her own expense, to conform to Rule 4-2(a)(5) and (8). Mere modifications of the original brief by the appellant, as by

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interlineation, will not be accepted by the Clerk. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to revise or supplement the brief, at the expense of the appellant or the appellant's counsel, as the Court may direct. If after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, Addendum and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the Rule.



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Ark. Sup. Ct. R. 4-2(b)(3).

In the present case, Bryant fails to include the relevant portions of the transcript of the interrogation in his addendum. Although he abstracts the testimony of Detective Troy Walker referring to portions of the interrogation, Bryant cites in his argument to the transcript of the interrogation contained in the record and fails to include those relevant portions in the addendum.

Because Bryant has failed to comply with our rules, we order him to file a substituted abstract, addendum, and brief within fifteen days from the date of entry of this order. We further encourage appellate counsel, prior to filing the substituted brief, to review our rules and the appellant's substituted brief to ensure that no additional deficiencies are present, as any subsequent rebriefing order in this criminal matter may result in referral to our Committee on Professional Conduct. *See, e.g., Lee v. State*, 375 Ark. 421, 291 S.W.3d 188 (2009).

Rebriefing ordered.