

Cite as 2010 Ark. 263

**SUPREME COURT OF ARKANSAS**

No. CR 09-788

ROBERT D. LOGGINS,  
APPELLANT,

VS.

STATE OF ARKANSAS,  
APPELLEE,

**Opinion Delivered** May 27, 2010

APPEAL FROM THE UNION  
COUNTY CIRCUIT COURT,  
NO. CR-2008-478-1,  
HON. HAMILTON HOBBS  
SINGLETON, JUDGE,

REBRIEFING ORDERED.

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**PER CURIAM**

Appellant Robert D. Loggins was convicted of one count each of simultaneous possession of drugs and firearms, possession of drug paraphernalia, maintaining a drug premises, and two counts of possession of a controlled substance with intent to deliver. He was sentenced to life imprisonment on the simultaneous-possession charge and consecutive terms of imprisonment totaling 1,344 months on the remaining convictions. His sole point on appeal is that there was insufficient evidence supporting his convictions because the State failed to prove actual or constructive possession. We are unable to address the merits of this argument, however, as Appellant has submitted a deficient brief.

Our abstracting rule provides in relevant part as follows:

*Abstract.* The appellant shall create an abstract of the material parts of all the transcripts (stenographically recorded material) in the record. Information in a transcript is material if the information is essential for the appellate court

to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

Ark. Sup. Ct. R. 4-2(a)(5) (2010).

In the instant case, Appellant's abstract does not include his motion for a directed verdict nor the renewal of his directed-verdict motion, which is required to preserve a challenge to the sufficiency of the evidence. Ark. R. Crim. P. 33.1(c) (2010). Although the State provided a supplemental abstract, it also failed to abstract these motions.

In addition, in life-imprisonment cases, such as this one,

the Court must review all errors prejudicial to the appellant in accordance with Ark. Code Ann. Sec. 16-91-113(a). To make that review possible, the appellant must abstract, or include in the Addendum, as appropriate, all rulings adverse to him or her made by the circuit court on all objections, motions and requests made by either party, together with such parts of the record as are needed for an understanding of each adverse ruling. The Attorney General will make certain and certify that all of those objections have been abstracted, or included in the Addendum, and will brief all points argued by the appellant and any other points that appear to involve prejudicial error.

Ark. Sup. Ct. R. 4-3(i) (2010). We strongly encourage the parties to make certain that they have complied with this rule.

Accordingly, pursuant to Ark. Sup. Ct. R. 4-2(b)(3) (2010), we order Appellant to file a substituted brief, curing any deficiencies in the abstract or addendum within fifteen days from the entry of this order. After service of the substituted brief, Appellee shall have an opportunity to revise or supplement its brief in the time prescribed by the clerk of this court. While we have noted the above-mentioned deficiency, we encourage appellant's counsel to review Rules 4-2 and 4-3 and the entire record to ensure that no additional deficiencies are

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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) (per curiam).

Rebriefing ordered.