

Cite as 2011 Ark. 129

**SUPREME COURT OF ARKANSAS**

No. CR96-1025

RODERICK LESHUN RANKIN  
PETITIONER

VS.

STATE OF ARKANSAS  
RESPONDENT**Opinion Delivered** March 31, 2011MOTION TO RECALL THE  
MANDATE AND/OR TO REINVEST  
JURISDICTION IN THE CIRCUIT  
COURT TO CONSIDER A WRIT OF  
ERROR CORAM NOBIS.REBRIEFING ORDERED.**PER CURIAM**

On February 9, 1996, petitioner Roderick Leshun Rankin was convicted of three counts of capital murder and sentenced to death. Following *Rankin v. State*, 329 Ark. 379, 948 S.W.2d 397 (1997) (*Rankin I*) (remanding for the circuit court to conduct a hearing on petitioner's motion to suppress his statements to police), *Rankin v. State*, 338 Ark. 723, 1 S.W.3d 14 (1999) (*Rankin II*) (affirming the circuit court's denial of petitioner's motion to suppress), and *Rankin v. State*, 365 Ark. 255, 227 S.W.3d 924 (2006) (*Rankin III*) (affirming the circuit court's denial of postconviction relief), petitioner sought habeas corpus relief in federal district court. The federal district court granted petitioner's motion to stay and hold in abeyance petitioner's federal proceedings in order to exhaust his state-court remedies. In this court, petitioner has filed a motion to recall the mandate and, alternatively, a motion to reinvest jurisdiction in the circuit court to consider a writ of error coram nobis. Citing *Robbins v. State*, 353 Ark. 556, 114 S.W.3d 217 (2003), petitioner argues that his case involves

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“extraordinary circumstances” that require a recall of the mandate. In his petition, he asserts, inter alia, that the circuit court made no written findings, pursuant to Rule 37.5(c)(3) of the Arkansas Rules of Criminal Procedure, regarding the qualifications of his Rule 37 counsel. However, petitioner’s brief is not in compliance with our rules because he has not included the circuit court’s order appointing counsel in his addendum. Additionally, petitioner raises a verification argument, but his addendum lacks any file-stamped copies of his amended Rule 37 petitions, his pro se Rule 37 petition, and any other pertinent pleadings supporting his present petition. As a result, we cannot consider his petition at this time.

Rule 4-2(a)(8)(A)(i) of the Rules of the Arkansas Supreme Court and Court of Appeals provides in relevant part that the addendum must include the following documents:

- the order, judgment, decree, ruling, letter opinion, or administrative agency decision from which the appeal is taken. . . .

. . . .

- any other pleading or document in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

In the present case, petitioner failed to include the circuit court’s order appointing Rule 37 counsel, any file-stamped copies of his amended Rule 37 petitions, and his pro se Rule 37 petition. Other pleadings may be missing as well. Accordingly, we order petitioner to file a substituted brief curing the deficiencies in the addendum within fifteen days from the date on entry of this order. After service of the substituted brief, respondent shall have the opportunity to file a responsive brief, or respondent may choose to rely on the brief previously filed in this

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appeal. While we have noted the above-mentioned deficiencies, we encourage petitioner's counsel to review Rules 4-2 and 4-3 and the entire record to ensure that no additional deficiencies are present, as any subsequent rebriefing order in this criminal matter may result in a referral to our Committee on Professional Conduct. *See Lee v. State*, 375 Ark. 421, 291 S.W.3d 188 (2009) (per curiam).

Rebriefing ordered.