

Cite as 2018 Ark. App. 45
ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-16-941

JOSEPH THOMAS LACEFIELD
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered: January 24, 2018

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NOS. 04CR-14-821, 04CR-14-1460,
04CR-15-69]

HONORABLE ROBIN F. GREEN,
JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

A Benton County jury found appellant Joseph Thomas Lacefield guilty of two counts of robbery and one count of aggravated robbery. He was sentenced to an aggregate term of thirty years' imprisonment. He argues on appeal that (1) the trial court erred by allowing gloves and testimony of the gloves into evidence, (2) the trial court erred by allowing two notes into evidence, and (3) the evidence was insufficient to support his convictions. We do not reach the merits of appellant's arguments due to deficiencies.¹

¹This is the second time this case has been before us. We previously ordered rebriefing due to deficiencies in appellant's abstract, addendum, and brief. *Lacefield v. State*, 2017 Ark. App. 474, 530 S.W.3d 370.

Arkansas Supreme Court Rule 4-2(a)(5)(A)² provides that all material information provided in a transcript must be abstracted and that no more than one page of transcript shall be abstracted without giving a record page reference. Information is material if it is essential for this court to confirm jurisdiction, to understand the case, and to decide the issues on appeal.³ Here, it appears that appellant has failed to abstract all material parts of the transcript. The State relies on testimony that is not included in appellant's abstract but appears material to the issues on appeal. Additionally, appellant has abstracted more than one record page throughout his brief before giving a record page reference,⁴ he has even abstracted three to seven pages before a record page is referenced.⁵ Appellant has also failed to include an abstract indicating that he renewed his directed-verdict motion in a timely manner, although we noted its necessity in our prior opinion ordering rebriefing.

Rule 4-2(a)(6) requires a concise statement of the case without argument. It also mandates that the statement of the case include supporting page references to the abstract or addendum or both. Here, appellant's statement of the case fails to include supporting page references to the abstract. Additionally, appellant cites to record pages that are not found in the abstract and/or addendum provided.

²(2017).

³*Id.*

⁴For example, pp. 608-609, 609-610, 630-31, 631-32, 634-35, 637-38, etc.

⁵For example, pp. 641-44, 692-4, 702-5, 725-27, 729-31, 753-56, 769-72, 822-24, 826-29, 829-831, 838-40, 851-857, 874-877, 877-79, 888-92, 896-902, 938-42.

Rule 4-2(a)(7) provides that reference in the argument portion of the briefs to material found in the abstract and addendum shall be followed by a reference to the page number of the abstract or addendum at which such material may be found. Appellant has failed to give reference page numbers throughout the argument to material found in the abstract.

Due to these deficiencies, we again order rebriefing and direct appellant to file a substituted abstract, brief, and addendum that complies with our rules.⁶ The substituted abstract, brief, and addendum shall be due fifteen days from the date of this order.⁷ The deficiencies listed are not exhaustive, and appellant's counsel should carefully review the rules to ensure that no other deficiencies are present.

Rebriefing ordered.

GLADWIN and WHITEAKER, JJ., agree.

David Hogue, for appellant.

Leslie Rutledge, Att'y Gen., by: *Valerie Glover Fortner*, Ass't Att'y Gen., for appellee.

⁶Ark. Sup. Ct. R. 4-2(b)(3).

⁷*Id.*