

Cite as 2018 Ark. App. 447
ARKANSAS COURT OF APPEALS

DIVISION II
No. CR-17-1039

KENNY LEMONT DANNER, JR.
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered September 26, 2018

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. 26CR-16-573]

HONORABLE JOHN HOMER
WRIGHT, JUDGE

SUPPLEMENTAL ADDENDUM
ORDERED

PHILLIP T. WHITEAKER, Judge

A Garland County Circuit Court jury found Kenny Lamont Danner guilty of first-degree murder as an accomplice. Danner appeals his conviction and argues that the evidence was circumstantial and was not sufficient for a finding of guilt beyond a reasonable doubt. We are unable to reach the merits of his arguments because of insufficiencies within the addendum pursuant to Arkansas Supreme Court Rule 4-2(a)(8)(A)(i).

Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) requires that the addendum contain all exhibits essential to our understanding of the case. *Hakim v. State*, 2018 Ark. App. 321, at 2. The jury was shown a surveillance video at trial, and a DVD of the video was admitted into evidence as an exhibit. The DVD containing the surveillance video is in our record but is not included in the addendum. Danner references the surveillance evidence in his argument on

appeal. Thus, given Danner's arguments on appeal, the surveillance video is clearly an exhibit essential to our understanding of the case.

We also note that Danner gave two recorded interviews to the police. The jury was shown those videotaped interviews, and DVDs containing the interviews were entered into evidence at trial. Danner has completed a verbatim transcript of the interviews and abstracted the testimony as required by our rules. *See* Ark. Sup. Ct. Admin. Order No. 4(a) (imposing upon the trial court a duty to require that a verbatim record be made of all proceedings pertaining to any contested matter before the court or the jury unless the parties waive that requirement on the record); Ark. Sup. Ct. R. 4-2(a)(5) (2017) (requiring all stenographically reported material to be abstracted). The DVDs containing the videotaped interviews, however, were not included in the addendum. If these videos are essential to our understanding of the case, they must also be included in the addendum. *See Piper v. State*, 2014 Ark. App. 224.

Accordingly, we order Danner to file a supplemental addendum containing the missing DVDs and any other essential items within seven calendar days from the date of this opinion.

Supplemental addendum ordered.

GRUBER, C.J., and BROWN, J., agree.

Cullen & Co., P.L.L.C., by; *Tim Cullen*, for appellant.

Leslie Rutledge, Att'y Gen., by: *Brad Newman*, Ass't Att'y Gen., for appellee.