

Cite as 2018 Ark. App. 433
ARKANSAS COURT OF APPEALS
DIVISION II
No. CR-17-1080

RONALD ALLAN LEWIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: September 26, 2018

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. 04CR-16-1589]

HONORABLE BRAD KARREN, JUDGE

REBRIEFING ORDERED

RITA W. GRUBER, Chief Judge

Ronald Lewis was found guilty by a Benton County Circuit Court jury of one count of rape and two counts of second-degree sexual assault. He brings two points on appeal: (1) the testimony of Det. Travis Monson regarding appellant’s right to remain silent violated his right against self-incrimination, and (2) Detective Monson’s testimony by remote video violated appellant’s right to confrontation. We do not address the merits of appellant’s arguments because of deficiencies in the abstract and addendum, and we order rebriefing.

We turn first to appellant’s abstract and the pertinent rules. Our supreme court’s rules require an appellant to create an abstract that includes all “material parts” of the transcripts and define “material” as information that 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). The jury-trial transcript in this case is over 400 pages and includes the

testimony of ten witnesses. Appellant's abstract is ten pages and includes portions from the arguments of trial counsel and the testimony of one witness, Detective Monson. Although we recognize that appellant does not make a sufficiency argument and that his points on appeal concern only the testimony of Detective Monson, his abstract does not contain information essential for us to decide the issues on appeal and thus does not comply with our rules. Were this court to agree with appellant that either his right against self-incrimination or his right to confrontation was violated, the error or errors would be subject to a harmless-error analysis. See, e.g., *Coleman v. State*, 2017 Ark. 218, 521 S.W.3d 483; *Bertrand v. State*, 2018 Ark. App. 274, 550 S.W.3d 416. To conduct such a review and to understand the totality of the evidence presented at trial, it is essential that we have a complete abstract of the testimony of every witness.

In addition, Arkansas Supreme Court Rule 4-2(a)(8)(A)(i) requires an appellant's addendum to include the jury's verdict forms in a case involving a jury trial. Appellant's addendum does not include these forms, and we order him to correct this deficiency. Accordingly, we order appellant to file a substituted brief, abstract, and addendum within fifteen days from the date of this opinion. Ark. Sup. Ct. R. 4-2(b)(3). After service of the substituted brief, abstract, and addendum, the State shall have the opportunity to revise or supplement its brief in the time prescribed by the clerk or to rely on the brief that it previously filed in this appeal. While we have noted the above-mentioned deficiencies, we encourage appellant's counsel to review Rule 4-2 in its entirety as it relates to the abstract

and addendum, as well as the entire record, to ensure that no additional deficiencies are present.

Rebriefing ordered.

WHITEAKER and BROWN, JJ., agree.

Pinnacle Law Group, by: *Matthew A. Kezhaya*, for appellant.

Leslie Rutledge, Att’y Gen., by: *Adam Jackson, Ass’t Att’y Gen.*, for appellee.