

ARKANSAS COURT OF APPEALS

DIVISION II
No. CR-17-961

J.L.W.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: September 19, 2018

APPEAL FROM THE YELL COUNTY
CIRCUIT COURT
[NO. 75NJV-14-31]

HONORABLE TERRY SULLIVAN,
JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD;
REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Appellant appeals from the circuit court's order requiring him to register as a sex offender. Appellant's sole argument on appeal is that the circuit court lacked the authority or jurisdiction to order appellant to register as a sex offender pursuant to Arkansas Code Annotated section 9-27-356(b)(2).¹ We remand to settle and supplement the record and order rebriefing.

This court first notes that no adjudication order appears in the record or addendum. While appellant appeals from the circuit court's August 18, 2017 order requiring him to register as a sex offender, the basis for that order was his adjudication of sexual assault in the second degree under Arkansas Code Annotated section 9-27-356(a)(3). That subsection requires the circuit court to order a sex-offender screening and risk assessment. Pursuant to

¹ (Repl. 2015).

Arkansas Rule of Appellate Procedure—Civil 6(e), we may direct that this omission be corrected by the circuit court and that a supplemental record be certified and transmitted. We strongly urge appellant’s counsel and the clerk of the circuit court to examine the record carefully to ensure that it contains all documents necessary for us to confirm our jurisdiction, understand the case, and decide the issues on appeal.

Additionally, this court notes that appellant states in his brief that he failed to raise the argument he now makes on appeal; appellee asserts that the argument is not preserved due to appellant’s alleged failure to raise the argument below. This court notes that appellant did make the argument he now makes before this court; however, he failed to abstract the same. Arkansas Supreme Court Rule 4-2(a)(5)(A) states “All material information recorded in a transcript (stenographically reported material) must be abstracted.” Arkansas Supreme Court Rule 4-2(a)(5) defines information as being 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.” The portions of the transcript that appellant failed to abstract include the specific argument he now makes on appeal; accordingly, appellant’s brief fails to comply with Rule 4-2. We order rebriefing.

We remand to the circuit court for the record to be settled and supplemented within thirty days. Upon supplementation and filing of the record with our court, we order appellant to submit a substituted abstract, brief, and addendum within fifteen days after the supplemental record has been filed with this court. We encourage counsel to review Rule 4-2 of the Rules of the Arkansas Supreme Court and Court of Appeals to ensure that his brief complies with the rules and that no additional deficiencies are present.

Remanded to settle and supplement the record; rebriefing ordered.

GRUBER, C.J., and WHITEAKER, J., agree.