

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR08-458

MICHAEL ANDERSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 18, 2009

APPEAL FROM THE ASHLEY
COUNTY CIRCUIT COURT
[NO. CR-06-197-4B]

HONORABLE DON GLOVER,
JUDGE

REBRIEFING ORDERED

JOHN MAUZY PITTMAN, Judge

Two brothers, Myron and Michael, were convicted of crimes arising out of a nightclub shooting spree. They were tried together and the brothers' respective attorneys filed a joint notice of appeal. Myron's attorney filed a brief on his client's behalf, and we decided his appeal in *Myron Newjean Anderson v. State*, CACR08-458 (Jan. 28, 2009). Michael's attorney failed to file a timely abstract, addendum, and brief and was ordered to do so. He has now submitted a brief, but it is defective. One significant error is his failure to include the order appealed from in the addendum. The judgment of conviction in the addendum is not Michael's but instead is his brother's. A comparison of appellant's abstract and addendum with that submitted by Myron suggests strongly that appellant's attorney may have simply duplicated the abstract and addendum submitted by his brother's attorney.

Cite as 2009 Ark. App. 769

We are required by Arkansas Supreme Court Rule 4-2(b)(3) to afford appellant an opportunity to submit a conforming abstract, brief, and addendum. We therefore order appellant, at his own expense, to submit a substituted abstract, brief, and addendum sufficient to cure all deficiencies with fifteen days from the date of this opinion. If he fails to do so, the judgment may be affirmed for noncompliance with the rule. *See id.*

Rebriefing ordered.

KINARD and BAKER, JJ., agree.