

Cite as 2010 Ark. App. 721

ARKANSAS COURT OF APPEALSDIVISION I
No. CACR10-336TERRY MONTEZ MOSS
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE**Opinion Delivered** November 3, 2010APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT
[No. CR-09-599B]HONORABLE STEPHEN TABOR,
JUDGE

REMANDED

LARRY D. VAUGHT, Chief Judge

Terry Moss entered a conditional guilty plea to multiple drug offenses,¹ reserving his right to appeal the Sebastian County Circuit Court's denial of his motion to suppress evidence. His motion sought to suppress the fruits of the search of his home, which revealed three hundred ecstasy pills, seventeen pounds of marijuana, drug paraphernalia, firearms, and cash. On appeal, he argues that the trial court erred in denying his motion to suppress, arguing that the affidavit that served as the basis for the search warrant was false, misleading, and defective. While Moss's addendum includes a copy of the motion to suppress and brief in support, we note that the record on appeal does not. Therefore, we must remand.

¹Moss pled guilty to possession of marijuana with intent to deliver, maintaining a drug premises, conspiracy to possess ecstasy with intent to deliver, and possession of drug paraphernalia.

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Arkansas Supreme Court Rule 4-2(a)(8) (2010) provides:

The addendum shall contain true and legible copies of the non-transcript documents *in the record on appeal* that are essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal. The addendum shall not merely reproduce the entire record of trial court filings, *nor shall it contain any document or material that is not in the record.*

(Emphasis added.) We can sua sponte direct the parties to supply any omitted material by filing a certified, supplemental record. Rule 6(e) of the Arkansas Rules of Appellate Procedure–Civil² in pertinent part states:

If anything material to either party is omitted from the record by error or accident or is misstated therein . . . the appellate court . . . on its own initiative, may direct that the omission or misstatement shall be corrected, and if necessary, that a supplemental record be certified and transmitted.

See also West v. West, 362 Ark. 456, 457, 208 S.W.3d 776, 778 (2005) (per curiam).

Accordingly, based on this deficiency, we remand the case to the trial court to supplement the record. Moss has thirty days from today to file the supplemental record with our clerk's office.

Remanded to supplement the record.

GLOVER and BAKER, JJ., agree.

²Rule 6(e) of the Rules of Appellate Procedure—Civil is made applicable to criminal cases by Rule 4(a) of the Rules of Appellate Procedure—Criminal, which states that matters pertaining to the correction or modification of the record on appeal shall be governed by the Rules of Appellate Procedure—Civil.