

ARKANSAS COURT OF APPEALSDIVISION II
No. CACR11-332

RAYMOND JOHNSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

OPINION DELIVERED NOVEMBER 16, 2011

APPEAL FROM THE UNION
COUNTY CIRCUIT COURT,
[NO. CR 2006-675-1-1 and 2006-821-1-1]HONORABLE HAMILTON H.
SINGLETON, JUDGESUPPLEMENTATION OF RECORD
AND REBRIEFING ORDERED**ROBERT J. GLADWIN, Judge**

This court ordered supplementation of the record and rebriefing in appellant Raymond Johnson's first attempt to appeal the revocation of his suspended sentences that occurred in Union County Circuit Court on January 18, 2011. In his supplemented appeal, he contends that the State failed to introduce substantial evidence that he committed a criminal offense punishable by incarceration. We again remand for supplementation of the record and rebriefing.

In our first rebriefing order, we set forth the law, Arkansas Supreme Court Rule 4-2(a)(8) (2011), which requires that an appellant's brief include an addendum consisting of all documents essential to the appellate court's resolution of the issues on appeal. Because appellant had not included the judgment and commitment orders related to his suspended sentences in his addendum, we ordered him to correct this deficiency by filing a supplemental

addendum within seven calendar days from the date of our opinion. Ark. Sup. Ct. R. 4-2(b)(4) (2011); see *In re Ark. Supreme Court & Court of Appeals Rule 4-2(b)*, 2011 Ark. 141 (per curiam).

We further ordered appellant to file a supplemental record pursuant to Arkansas Rule of Appellate Procedure—Civil 6(e) (2011) (as made applicable to criminal cases by Ark. R. App. P.—Crim. 4(a) (2011)), in order that the addendum would not contain any document that was not in the record. Ark. Sup. Ct. R. 4-2(a)(8). However, appellant failed to supplement the record and addendum as ordered. Appellant included a judgment and commitment order that was filed in January 2011, as a result of the revocation that he is currently attempting to appeal.

Our directive to include the “judgment and commitment orders related to his suspended sentences” meant that we must be able to look at the judgment and commitment orders from his underlying convictions, *i.e.*, those convictions that resulted in any suspended sentences eligible for revocation in the current case. Included in the first addendum and in the supplemental addendum is the document entitled “Conditions of Suspended Imposition of Sentence.” Listed thereon are four case numbers, two of which are the subject of our interest—CR 2006-821 and CR 2006-675. Thus, we direct appellant to supplement the record with the necessary judgment and commitment orders related to these two underlying cases and to file a supplemental record with our clerk’s office within seven calendar days. Appellant has seven days to file an accompanying brief that conforms to this order as well.

If, after the opportunity to cure the deficiencies, the appellant fails to file a complying addendum and record, the conviction may be affirmed. *See* Ark. Sup. Ct. R. 4-2(b)(3).

Supplementation of record and rebriefing ordered.

VAUGHT, C.J., and MARTIN, J., agree.