

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR11-746

SCOTTIE JOINER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered March 28, 2012

APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT,
WESTERN DISTRICT
[NO. CR-04-494, CR-08-833]

HONORABLE BRENT DAVIS,
JUDGE

REBRIEFING ORDERED

JOSEPHINE LINKER HART, Judge

Scottie Joiner appeals from an order of the Craighead County Circuit Court revoking his supervised probation, which was imposed pursuant to his October 7, 2004 guilty plea to the offenses of carnal abuse¹ and incest. We decline to address his arguments on appeal, however, because his addendum is deficient.

Under Arkansas Supreme Court and Court of Appeals Rule 4-2(a)(8)(A)(i), a brief must contain all documents in the record that are “essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.” Joiner’s addendum violates Rule 4-2 because it does not contain the original judgment and commitment order and order of probation for his underlying criminal convictions. *Burton v. State*, 2012 Ark. App. 49.

¹We note that the offense of carnal abuse, codified under Arkansas Code Annotated section 5-14-104, was repealed by Act 1738 of 2001.

Further, the addendum lacks the motions and orders associated with the numerous continuances that were granted in this case. Because these documents are essential to our understanding of Joiner's argument alleging that the trial court erred in failing to grant a continuance, these documents are necessary for us to take up that argument. *Id.* Further, they are integral to our understanding whether the trial court had the jurisdiction to revoke Joiner's probation. Ark. Sup. Ct. R. 4-2(a)(8)(i). We also note that the argument section of Joiner's brief abruptly stops in mid-sentence on page three.

We grant Joiner fifteen days from the date of the entry of this order to file a substituted brief that contains a revised addendum. Joiner's appellate counsel should also review the likely omissions in his brief's argument section. After service of the substituted brief, the State shall have an opportunity to file a responsive brief in the time prescribed by the clerk of this court or to rely upon the brief it previously filed in this appeal.

Rebriefing ordered.

VAUGHT, C.J., and ROBBINS, J., agree.