

Cite as 2010 Ark. 332

SUPREME COURT OF ARKANSAS

No. CR10-43

MICHAEL DASHAUN JACKSON,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,**Opinion Delivered** 9-16-10APPEAL FROM THE CIRCUIT
COURT OF PULASKI COUNTY,
FOURTH DIVISION, NO. CR08-474,
HON. HERBERT T. WRIGHT, JR.,
JUDGE,REBRIEFING ORDERED.

PER CURIAM

In October 2009, the appellant, Michael Dashaun Jackson, was convicted of capital murder, aggravated robbery, and attempted capital murder. Jackson was sentenced to concurrent terms of life without parole for the capital murder, life for the aggravated robbery, and thirty years for attempted capital murder. Each sentence also included a fifteen-year firearm enhancement. Jackson filed a timely notice of appeal with this court, arguing that the trial court abused its discretion by refusing to grant appellant's motion for a mistrial, that the trial court abused its discretion by excluding evidence of a co-defendant's arrest for firearm possession, and that the trial court erred in excluding evidence of marijuana possession by one of the victims.

We are unable to consider appellant's appeal at this time because his brief is not in compliance with Ark. Sup. Ct. R. 4-2(a)(8) (2010). Our newly-amended rule states that in

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any case where there was a jury trial, the appellant must include the jury's verdict forms. Ark. Sup. Ct. R. 4-2(a)(8)(A)(i) (2010); *see also In re Arkansas Supreme Court and Court of Appeals Rules 4-1, 4-2, 4-3, 4-4, 4-7, and 6-9*, 2009 Ark. 544 (per curiam). Our rules also require that "if an exhibit or other item in the record cannot be reproduced in the addendum, then the party making the addendum must file a motion seeking a waiver of the addendum obligation." Ark. Sup. Ct. R. 4-2(a)(8)(A)(ii) (2010).

In this case, appellant failed to include the jury verdict forms in his addendum as required by our rules. Further, appellant failed to file a motion for waiver of addendum obligation. Accordingly, we order appellant to file a substituted brief, curing the deficiencies in the addendum, within fifteen days from the date of entry of this order. Ark. Sup. Ct. R. 4-2(b)(3) (2010). After service of the substituted brief, the appellee shall have an opportunity to file a responsive brief in the time prescribed by the supreme court clerk, or to rely on the brief previously filed in this appeal.

Rebriefing ordered.