SLIP OPINION

Cite as 2013 Ark. App. 500

# ARKANSAS COURT OF APPEALS

DIVISION III
**No.** CR-12-900

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| | **Opinion Delivered** September 18, 2013 |
| PAMELA HOOKS<br>APPELLANT | APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, FIRST DIVISION<br>[NO. CR-2010-4212] |
| V. | |
| STATE OF ARKANSAS<br>APPELLEE | HONORABLE LEON JOHNSON, JUDGE |
| | REBRIEFING ORDERED |

**BRANDON J. HARRISON, Judge**

A Pulaski County jury found Pamela Hooks guilty of second-degree murder. Ark. Code Ann. § 5-10-103 (Repl. 2006). She was then sentenced to 720 months' imprisonment. Hooks argues on appeal that the circuit court erred in denying her motion for a directed verdict because the State failed to sufficiently prove its case against her. We cannot decide the merits of Hooks's appeal at this point because she has failed to abstract material parts of the trial testimony.

Arkansas Supreme Court Rule 4-2(a)(5) (2013) provides:

> (5) *Abstract*. The appellant shall create an abstract of the material parts of all the transcripts (stenographically reported material) in the record. Information in a transcript is material if the information is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.

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In her brief, Hooks challenges the sufficiency of the evidence to support her conviction (on the element that she intended John Davis's death), but her abstract omits her own trial testimony. Hooks's trial testimony is essential to understand the issues and decide this case's merits. *Spears v. State*, 82 Ark. App. 376, 109 S.W.3d 139 (2003). We therefore direct Hooks to correct this deficiency by filing a substituted brief within fifteen days of this order's date. Ark. Sup. Ct. R. 4-2(b)(3) (2013). After service of her substituted brief, the State may file a responsive brief in the time prescribed by the supreme court clerk, or it may choose to rely on the appellee's brief it previously filed. Ark. Sup. Ct. R. 4-2(b)(3).

We encourage Hooks's counsel to review our rules and her current abstract and addendum to ensure that no additional deficiencies are present.

Rebriefing ordered.

BROWN and WHITEAKER, JJ., agree.

*James Phillips* and *Elizabeth Borders*, Deputy Public Defenders, by: *Clint Miller*, Deputy Public Defender, for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Vada Berger*, Ass't Att'y Gen., for appellee.