



ARKANSAS JUDICIARY

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## **Rule 4-7. Briefs In Postconviction and Certain Civil Appeals Where Appellant Is Incarcerated and Proceeding Pro Se.**

(a) **Applicability.** This rule shall govern pro se briefs filed by incarcerated persons in appeals of Rule 37.1 postconviction orders and civil appeals from the denial of relief with regard to petitions for writs of habeas corpus, declaratory judgment, mandamus, and other petitions pertaining to the appellant's conviction of a criminal offense and/or incarceration. Except for the provisions contained in this rule, briefs filed by pro se parties shall otherwise comply with the Rules of the Supreme Court and Court of Appeals. Substantial compliance with this rule shall be sufficient.

(b) *Style of briefs.*

(1) *Briefs - Size - Paper - Type.* A pro se brief may be handwritten, typed or produced with computer or word processing equipment. A handwritten brief shall be clearly legible, shall not exceed 30 lines per page and 15 words per line with left-hand and right-hand margins of at least one and 1 1/2 inches and upper and lower margins of at least 2 inches. Briefs shall be of uniform size on 8 1/2 x 11 inch paper and firmly bound on the left hand margin by staples or other binding devices. Typed briefs shall be double-spaced, except for quoted material, which may be single-spaced and indented. Footnotes, except quotations therein, shall be double-spaced. Use of footnotes is not encouraged and should be used sparingly. Carbon copies are not acceptable, but copies produced by offset printing, positive photocopy, or other dry photo duplicating process which produces a clearly legible black-on-white reproduction may be used. Each page in the brief should be numbered sequentially with Page 1 being the first page of the argument. The brief need not be signed by the appellant.

(2) *Length of argument.* Unless leave of the court is first obtained, the argument portion of a brief shall not exceed 30 double-spaced pages including the conclusion, if any. The appellant's reply brief shall not exceed 15 double-spaced pages and shall not include any supplemental addendum unless permitted by the court upon motion. Motions for an expansion of the page limit must set forth the reason or reasons for the request and must specify the number of additional pages requested.

(3) *Affidavit.* If the pro se appellant received assistance in the preparation of the content of a brief, the brief shall also be accompanied by a notarized affidavit that the appellant has prepared it without the paid assistance of any other prison inmate.

(c) *Contents of briefs.*

(1) *Contents*. The contents of the brief shall be in the following order:

(A) *Argument*. The appellant shall state each issue to be argued and then set out the argument in support of that issue. All citations of decisions of any court must state the name of the case and the volume number and page where the case may be found.

(B) *Addendum*. The appellant's brief shall contain an Addendum, which consists of photocopies of documents from the record. The Addendum shall include true and legible photocopies of at least the original pleading, order from which the appeal is taken, and the notice of appeal. The appellee may prepare a supplemental Addendum if material on which the appellee relies is not in the appellant's Addendum. Only documents that are part of the circuit court record may be included in the Addendum.

(2) *Cover for briefs*. On the cover of the brief there should appear the docket number and name of the case, the name of the court from which the appeal is taken, the title of the brief, and the name of the appellant.

(3) *Insufficiency of appellant's Addendum*. Motions to dismiss the appeal for insufficiency of the appellant's Addendum will not be recognized. Deficiencies in the appellant's Addendum will ordinarily come to the Court's attention and be handled in one of three ways as follows:

(A) If the appellee considers the appellant's Addendum to be defective, the appellee's brief should call the deficiencies to the Court's attention and may, at the appellee's option, contain a supplemental Addendum.

(B) If the case has not yet been submitted to the Court for decision, an appellant may file a motion to supplement the Addendum and file a substituted brief. Subject to the Court's discretion, the Court may grant such a motion and allow the appellant 30 days within which to file the substituted brief. If the appellee has already filed its brief, upon the filing of appellant's substituted brief, the appellee will be afforded an opportunity to file a substituted brief within 15 days.

(C) Whether the appellee has called attention to deficiencies in the appellant's Addendum, the Court may address the question at any time. If the Court finds the Addendum to be deficient such that the Court cannot reach the merits of the case, or such as to cause an unreasonable or unjust delay in the disposition of the appeal, the Court will notify the appellant that he or she will be afforded an opportunity to cure any deficiencies, and has 30 days within which to file a substituted brief. Upon the filing of such a substituted brief by the appellant, the appellee will be afforded an opportunity to file a substituted brief within 15 days. If after the opportunity to cure the deficiencies, the appellant fails to file a complying brief within the prescribed time, the circuit court's order may be affirmed for noncompliance with the Rule.

(4) *Noncompliance*. Briefs not in substantial compliance with this Rule shall not be accepted for filing by the Clerk. When a party submits a brief on time that does not substantially comply with these Rules, the Clerk shall mark the brief "tendered," grant the party a 14-day compliance extension, and return the brief to the party for correction. If the party resubmits a compliant brief within 14 calendar days, then the Clerk shall accept that brief for filing on the date it is received.

(d) Number of briefs and time for filing.

(1) *Briefs in chief.* The appellant shall have 40 days from the date the record is lodged to file 8 copies of the brief with the Clerk.

(2) *Appellee's brief.* The appellee shall have 30 days from the filing of the appellant's brief to file its brief with the Clerk and serve a copy on the appellant by mail.

(3) *Reply brief.* The appellant shall have 15 days from the date that the appellee's brief is filed to file 8 copies of the reply brief.

(4) Continuances and extensions of time. The Clerk or a deputy clerk may extend the due date of any brief by 7 calendar days upon oral or letter request. If such an extension is granted, no further extension shall be granted except by the Court upon a written motion showing good cause.

**History Text:**

Amended and effective by per curiam order May 11, 2017.

**Associated Court Rules:**

Rules of the Supreme Court and Court of Appeals of the State of Arkansas

**Group Title:**

Article IV. Briefs

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