

Michael SMITH v. STATE of Arkansas

CR 87-123

749 S.W.2d 678

Supreme Court of Arkansas
Opinion delivered May 17, 1988

APPEAL & ERROR — FAILURE TO COMPLY WITH COURT'S DIRECTIVE AS TO WHEN BRIEF WAS DUE. — Where counsel has received sixteen extensions of brief time, and has ignored the supreme court's directive that the brief on appeal would be due on May 9 and that its extension of April 27 would be the last, counsel was ordered to appear before the supreme court and show cause why he should not be held in contempt.

Order to Show Cause.

Roger T. Jeremiah, for appellant.

PER CURIAM. The record in this matter was filed on June 19, 1987, and appellant's brief was originally due on July 29. On July 27, appellant's counsel, Roger T. Jeremiah, filed a motion to extend the brief time due to his considerable case load. That motion was granted, and appellant was given until August 31 to file his brief. Between August 1987 and January 1, 1988, counsel filed a total of eight motions to extend brief time. Each was granted.

Thereafter, between January and April 1988, counsel filed eight additional motions to extend. (See attachment) Due to counsel's failure to file the brief, appellant filed a pro se motion to dismiss counsel as ineffective and for discretionary review of the appeal. Before that motion was filed, this court entered an order on April 27, 1988, granting a "final" extension until May 9, 1988. Counsel was informed of this court's order by letter from the clerk of the court. (See attachment) On May 9 counsel responded by filing another motion to extend. As of this date a brief has not been filed.

[1] Counsel has ignored this court's directive that the brief on appeal would be due on May 9 and that our extension of April 27 would be the last. It is therefore ordered that counsel Roger T. Jeremiah appear before this court on Tuesday, May 31, 1988, at 9:00 a.m. and show cause why he should not be held in contempt.

CR87-123

Michael Smith

v. Crawford Circuit, Don Langston, J.

State of Arkansas

- 6-19-87. Record filed. Appellant's brief due 7-29-87.
- 6-25-87. Petition for Writ of Habeas Corpus. Served.
- 6-29-87. Pro se petition for Writ of Habeas Corpus is denied. See per curiam this date.
- 7-8-87. Appellant's pro se petition for Writ of Habeas Corpus. Served.
- 7-13-87. Pro se petition for Writ of Habeas Corpus is denied. See per curiam this date.
- 7-27-87. Appellant's motion for extension of time. Served.
- 7-27-87. Appellant to 8-31-87 for brief. Court.
- 8-18-87. Appellant's pro se motion for trial transcript. Served.
- 8-28-87. Appellee's response to motion for trial transcript. Served.
- 8-31-87. Appellant's motion for extension of time. Served.
- 9-1-87. Pro se motion for trial transcript is denied. Court.
- 9-2-87. Appellant to 9-30-87 for brief time. Court.
- 9-30-87. Appellant's motion for brief time. Served.
- 10-5-87. Appellant to 10-21-87 for brief time. Court.
- 10-21-87. Appellant motion for brief time. Served.
- 10-23-87. Appellant to 11-4-87 for brief time. Court.
- 10-28-87. Motion for bail reduction or, in the alternative motion for release on own recognizance. Served.
- 11-3-87. Appellant's motion for brief time. Served.
- 11-3-87. Appellant to 11-18-87 for brief time. Court.
- 11-9-87. Response to motion for bail reduction or, release on own recognizance. Served.
- 11-17-87. Appellant's motion for brief time. Served.
- 11-17-87. Appellant to 12-2-87 for brief time. Court.
- 11-23-87. Pro se motion for reduction of bond pending appeal is denied. See per curiam this date. Purtle, J., would grant.
- 11-23-87. Letter to appellant.
- 12-2-87. Appellant's motion for brief time. Served.
- 12-3-87. Appellant to 12-16-87 for brief time. Court.
- 12-11-87. Appellant's pro se motion to expedite appeal process. Served.
- 12-15-87. Appellant's motion for brief time. Served.
- 12-17-87. Appellant to 12-30-87 for brief time. Court.

- 12-21-87. Response to motion to expedite appeal. Served.
- 12-30-87. Appellant's motion for brief time. Served.
- 12-31-87. Appellant to 1-13-88 for brief time. Court.
- 1-13-88. Appellant's motion for brief time. Served.
- 1-14-88. Appellant to 1-27-88 for brief time. Court.
- 1-27-88. Appellant's motion for brief time. Served.
- 1-27-88. Appellant to 2-10-88 for brief time. Court.
- 2-10-88. Appellant's motion for brief time. Served.
- 2-10-88. Appellant to 2-24-88 for brief time. Court.
- 2-24-88. Appellant's motion for brief time. Served.
- 2-26-88. Appellant to 3-9-88 for brief. Court.
- 3-8-88. Appellant's motion for brief time. Served.
- 3-9-88. Appellant to 3-23-88 for brief time. Court.
- 3-23-88. Appellant's motion for brief time. Served.
- 3-24-88. Appellant to 4-6-88 for brief time. Court.
- 4-5-88. Appellant's motion for brief time. Served.
- 4-11-88. Appellant to 4-27-88 for brief time. Court.
- 4-26-88. Appellant's motion for brief time. Served.
- 4-27-88. Appellant's motion for extension of time to file brief is granted. Brief due May 9, 1988. Final extension.
- 4-28-88. Appellant's pro se motion to dismiss court appointed attorney for the reason of ineffective assistance of counsel. Served.
- 4-28-88. Appellant's pro se motion of extraordinary circumstances seeking discretionary review of appellate procedure. Served.
- 5-5-88. Response to motion to dismiss counsel. Served.
- 5-5-88. Response to motion of extraordinary circumstances seeking discretionary review of appellate procedure. Served.
- 5-9-88. Appellant's motion for brief time. Served.

ARK.]

SMITH v. STATE
Cite as 295 Ark. 516 (1988)

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Office of The Clerk
Supreme Court of The State of Arkansas
Arkansas Court of Appeals
Justice Building
Little Rock, AR 72201

April 27, 1988

Leslie W. Steen
Clerk

Robin Hathorne
Chief Deputy

Stinson Fuller
Chief Deputy

Janis Owen
Deputy

Bonnie Marks
Deputy

Bill Acklin
Deputy

Rae W. Miller
Deputy

Erica Sibens
Deputy

Allen Waters
Deputy

Roger T. Jeremiah
Attorney at Law
1109 S. 16th St.
Fort Smith, AR 72901

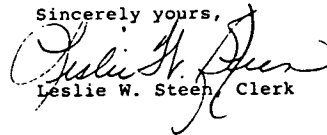
Re: CR87-123 Michael Smith v. State
of Arkansas

Dear Mr. Jeremiah:

The Court made the following order in the above
styled case today:

"Appellant's motion for extension of time
to file brief is granted. Brief due May 9,
1988. Final extension."

Sincerely yours,


Leslie W. Steen, Clerk

LWS/rh

cc: Theodore Holder