

Frank WILLIAMS, Jr. v. STATE of Arkansas

CR 93-988

885 S.W.2d 679

Supreme Court of Arkansas
Opinion delivered October 31, 1994

1. APPEAL & ERROR — ABSTRACT AND BRIEF PRESENTED AT CONTEMPT HEARING — MOTION TO FILE BELATED BRIEF GRANTED. — Where, at the show cause hearing to determine why the appellant's attorney should not be held in contempt for failure to file the abstract and brief in the case, the appellant's attorney stated that he had prepared an abstract and brief on behalf of the appellant, the court granted his motion to file a belated brief.
2. ATTORNEY & CLIENT — PLEA OF GUILTY ENTERED ON CONTEMPT ORDER — ATTORNEY FOUND IN CONTEMPT. — Where, at the contempt hearing, the appellant's attorney entered a plea of guilty to the contempt order and offered mitigating circumstances, he was held in contempt of court for failure to file a timely abstract and brief on behalf of appellant, and a fine of \$250.00 was imposed.

Motion to File Belated Appeal granted; Contempt Order issued.

Thomas A. Potter, for appellant.

No response.

PER CURIAM. This is a capital murder case in which Frank Williams, Jr. was convicted and sentenced to death by lethal injection. Counsel for appellant, Thomas A. Potter, was ordered to appear on October 17, 1994, to show cause why he should not be held in contempt for failure to file the abstract and brief in this cause. *See per curiam* opinion delivered on October 3, 1994. At the show cause hearing, Mr. Potter appeared and stated that he had prepared an abstract and brief on behalf of the appellant. We granted his motion to file a belated brief and, subsequent to the hearing, Mr. Potter filed the abstract and brief.

[1, 2] At the hearing, Mr. Potter entered a plea of guilty to the contempt order and offered mitigating circumstances. After hearing and considering counsel's statements and other matters before the court, we find Mr. Potter in contempt of court for failure to file a timely abstract and brief on behalf of appellant, and impose a fine of \$250.00 for such conduct. We direct that a copy of this opinion be forwarded to the Committee on Professional Conduct.

It is so ordered.

CORBIN, J., not participating.