

Ivan Floyd PIPKIN v. STATE of Arkansas

CR 94-515

887 S.W.2d 309

Supreme Court of Arkansas
Opinion delivered November 21, 1994

APPEAL & ERROR — FAILURE TO FILE ABSTRACT AND BRIEF ON BEHALF OF CLIENT — SHOW-CAUSE ORDER ISSUED. — Where on May 17, 1994, appellant appealed his conviction and lodged the record of trial with the appellate court; on June 24, appellant's attorney requested a seven-day clerk's extension, which was granted and confirmed by letter from counsel correctly acknowledging that appellant's brief would be due on Tuesday, July 5, 1994; the clerk wrote counsel on October 27, 1994, advising him that the records indicated that a brief had not been filed or tendered and no further extension of time had been granted, and calling for a response to his letter, to which counsel has not replied, a hearing was set for Monday, December 5, 1994, at 9:00 a.m., and the court directed appellant's counsel to appear and show cause why he should not be held in contempt for failing to file the abstract and brief in this cause.

Order to Counsel to Show Cause Issued.

PER CURIAM. On May 17, 1994, Ivan Floyd Pipkin appealed his conviction in the Stone County Circuit Court, Case No. 91-36, and lodged the record of trial in this court. On June 24, Pip-

kin's attorney, A. Wayne Davis, Little Rock, Arkansas, requested a seven-day clerk's extension, making his brief due on July 5, 1994.

On June 27, 1994, Mr. Davis, by letter, confirmed the clerk's extension and acknowledged that the appellant's brief would be due on Tuesday, July 5, 1994. On October 27, 1994, our clerk, Mr. Steen, mailed a letter to Mr. Davis advising him that the records indicated that a brief had not been filed or tendered in the appellant's behalf, nor had a further motion for an extension of time been granted. In addition, the clerk called for a response to his letter, to which Mr. Davis has not replied.

[1] For these reasons, we set a hearing date on Monday, December 5, 1994, at 9:00 a.m., and direct Pipkin's counsel, A. Wayne Davis, to appear and show cause why he should not be held in contempt for failing to file the abstract and brief in this cause.