

Antonio AYERS v. STATE of Arkansas

CR 97-368

960 S.W.2d 453

Supreme Court of Arkansas
Opinion delivered March 19, 1998

APPEAL & ERROR — ABSTRACT OF RECORD DEFICIENT — FINAL EXTENSION GRANTED. — Where the abstract of record was deficient and counsel was instructed to comply with the requirements of Ark. Sup. Ct. R. 4-3(h) by a certain date, and the deadline was not met; and where a further extension was granted, and counsel requested yet another extension, the supreme court granted the extension and cautioned that it was a final extension.

Extension granted.

R.S. McCullough, for appellant.

No response.

PER CURIAM. Antonio Ayers was convicted of capital murder and sentenced to life imprisonment without parole. A notice of appeal was filed on his behalf. He is represented by Attorney R.S. McCullough who filed the appellate record with this Court on April 1, 1997. Mr. McCullough, after receiving three extensions of the deadline for filing his client's brief, filed a brief with this Court on September 11, 1997. The abstract of the record was deficient, and upon motion by the State, counsel was instructed to comply with the requirements of Ark. Sup. Ct. R. 4-3(h). The deadline for compliance was November 15, 1997. It was not met.

By letter of February 4, 1998, the Clerk of this Court inquired of counsel as to the status of the appeal. Counsel responded on February 17, 1998, with a motion for further extension until March 6, 1998. On March 6, 1998, counsel sought an extension to March 25, 1998, blaming the delay on a "young associate" who is "no longer employed by this firm."

[1] We grant the extension and caution that it is a final extension. A copy of this order will be sent to the Committee on Professional Conduct.