

Antonio AYERS *v.* STATE of Arkansas

CR 97-368

968 S.W.2d 591

Supreme Court of Arkansas
Opinion delivered April 30, 1998

CONTEMPT — SHOW-CAUSE ORDER ISSUED. — Where appellant's attorney received several extensions, including a "final extension," of the deadline for filing appellant's brief and met none of them, and where the supreme court eventually granted the attorney's motions for belated brief, the court ordered counsel to appear and show cause why he should not be held in contempt for failing to file his client's brief on or before the "final extension" date.

Order to Appear and Show Cause.

R.S. McCullough, for appellant.

No response.

PER CURIAM. Attorney R.S. McCullough represents appellant Antonio Ayers, who was convicted of capital murder and sentenced to life imprisonment without parole. A notice of appeal was filed on Mr. Ayers's behalf, and the appellate record was subsequently filed in this Court. Thereafter, Mr. McCullough received several extensions of the deadline for the filing of Mr. Ayers's brief. In *Ayers v. State*, 332 Ark. 370, 960 S.W.2d 453 (1998), we granted Mr. McCullough's request to extend the deadline to March 25, 1998, and cautioned that it was a "final extension." That deadline was not met.

Mr. McCullough filed motions on March 31, 1998, and April 8, 1998, urging this Court to accept his client's belated brief, which was tendered on April 1, 1998. We granted Mr. McCullough's motions on April 23, 1998, and accepted Mr. Ayers's brief for filing.

[1] On account of the circumstances described above, we order R.S. McCullough to appear before this Court on Thursday, May 14, 1998, at 9:00 a.m., to show cause why he should not be held in contempt for failing to file his client's brief on or before

March 25, 1998, as previously ordered. *See Bell v. State*, 332 Ark. 432, 961 S.W.2d 36 (1998).
