

Damond SANFORD *v.* STATE of Arkansas

CR 96-908

939 S.W.2d 310

Supreme Court of Arkansas  
Opinion delivered March 17, 1997

APPEAL & ERROR — MOTION FOR BELATED APPEAL DENIED — SHOW-  
CAUSE ORDER ISSUED. — Where no less than four extensions to file  
the brief were granted, the brief was not filed, no brief was tendered  
with the motion, and counsel did not concede fault, the motion  
was denied, and counsel was ordered to appear and show cause why  
he should not be held in contempt for failure to file the brief.

Motion for Belated Appeal denied; Order to Appear and  
Show Cause issued.

*William M. Howard, Jr.*, for appellant.

No response.

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PER CURIAM. Appellant Damond Sanford was convicted by a jury of capital murder and was sentenced to death by lethal injection. On September 4, 1996, Sanford's attorney, William M. Howard, Jr., was granted an extension until October 14, 1996, to file his brief on appeal. On October 15, 1996, Howard was granted a second extension to file his brief by November 13, 1996. On November 14, 1996, Howard was granted a third extension to file his brief by December 13, 1996. Again, on December 17, 1996, Howard was granted a fourth and final extension to file a brief by January 12, 1997. On February 21, 1997, Sanford filed a motion for belated appeal, asking that he be allowed to file a belated brief. No brief was tendered with the motion, and Howard has not accepted responsibility for failing to timely file a brief on behalf of his client.

[1] The motion for belated appeal is denied. William M. Howard, Jr., is hereby ordered to appear before this court on March 31, 1997, at 9:00 a.m. to show cause why he should not be held in contempt for his failure to file Sanford's brief.

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