

Roderick Leshun RANKIN v. STATE of Arkansas
CR 96-1025 939 S.W.2d 312
Supreme Court of Arkansas
Opinion delivered March 24, 1997

1. APPEAL & ERROR — FOURTH EXTENSION GRANTED FOR FILING BRIEF — MOTION TO SUPPLEMENT RECORD GRANTED. — Where, on the date the brief was due under the third extension granted by the supreme court, appellant's counsel filed a motion to supplement the record and for an additional extension of time for filing the brief because it was discovered that certain proceedings had been omitted from the record by the court reporter, the motion to supplement the record and for extension of time was granted.
2. CONTEMPT — COUNSEL ORDERED TO APPEAR AND SHOW CAUSE. — Appellant's counsel was ordered to appear before the supreme court on a specified date to show cause why he should not be held in contempt for failure to file the brief in a timely manner.

Motion to Supplement Record and to Stay Brief Time; granted.

Gene E. McKissic, for appellant.

No response.

PER CURIAM. Roderick Leshun Rankin was convicted of three counts of capital murder on February 9, 1996. He filed a notice of appeal, and presented to this Court a seven-volume transcript of the record on August 30, 1996. On October 10, 1996, we granted a motion by his counsel, Gene E. McKissic, to extend the deadline for submission of Mr. Rankin's brief until December 8, 1996. On December 10, 1996, we granted a second motion for extension until February 6, 1997. On February 5, 1997, we

granted a "final extension" and set the final deadline for filing the brief at February 20, 1997.

On February 20, 1997, Mr. McKissic filed a motion to supplement the record and for an additional extension of time for filing the brief. In the motion Mr. McKissic stated, "That after full review of the transcript it was discovered that certain proceedings had been omitted from the record by the Court Reporter." No reason was given as to why the transcript had not been "reviewed" previously.

[1] Mr. Rankin's brief was tendered to this Court on March 3, 1997. The State has not responded to the motion to supplement the record and extend the time for filing Mr. Rankin's brief. We grant Mr. Rankin's motion to supplement the record and for extension of time so that the appeal may proceed.

[2] Mr. McKissic is ordered to appear before this Court on April 7, 1997, to show cause why he should not be held in contempt for failure to file the brief in a timely manner.