

SUPREME COURT OF ARKANSAS

No. CR10-1164

GREGORY HOLT,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,

Opinion Delivered 5-12-11

MOTION TO FILE BELATED BRIEF

MOTION GRANTED.

PER CURIAM

Appellant's brief was due to be filed on March 17, 2011. Appellant had retained counsel, Edward G. Adcock. The brief was not filed by that date, and no motion to file a belated brief was filed by counsel. Instead, appellant filed a pro se motion to file a belated pro se brief. On April 14, 2010, this court issued a per curiam directing the attorney for Holt, Mr. Adcock, to file a motion to file belated brief within seven days. *Holt v. State*, 2011 Ark. 167 (per curiam). Adcock filed the instant motion on April 21, 2010. He asks for an additional twenty days to file appellant's brief.

This court will accept a criminal appellant's belated brief to prevent an appeal from being aborted. *See Turner v. State*, 2010 Ark. 421 (per curiam). Good cause must be shown to grant the motion. *See id*; *see also Strom v. State*, 356 Ark. 224, 147 S.W.3d 689 (2004) (per curiam) (holding that appellate counsel's admitted failure to timely file the brief constituted

Cite as 2011 Ark. 213

good cause to grant the motion for belated brief).

Here, it is clear that counsel's failure to comply with our rules resulted in the untimely filing of appellant's brief and, thus, constitutes good cause for granting the motion. Accordingly, we grant appellant's motion to file a belated brief and grant a final extension of twenty days from the date of this per curiam for filing appellant's brief.

A copy of this order will be forwarded to the Committee on Professional Conduct.

Motion granted.