

William Frances BOWEN v. STATE of Arkansas  
CR 93-1003 895 S.W.2d 941(1)  
Supreme Court of Arkansas  
Opinion delivered April 10, 1995

APPEAL & ERROR — MOTION FOR PERMISSION TO FILE BELATED BRIEF — FIVE PRIOR EXTENSIONS GRANTED — MOTION GRANTED — COPY OF OPINION TO BE SENT TO COMMITTEE ON PROFESSIONAL CONDUCT. — Where, after receiving five extensions, appellee neither filed a timely request for another extension nor explained why a brief had not been filed, but three months late it filed its motion for belated brief asking to have another month to prepare its brief and citing a voluminous record, a large number of points raised, and other appellate business as causes for its untimely motion and taking full responsibility, the motion was granted and a copy of the per curiam sent to the Committee on Professional Conduct.

Motion for Belated Brief granted.

No response.

*Winston Bryant*, Att'y Gen., by: *Clint Miller*, Deputy Att'y Gen., for appellee.

PER CURIAM. The state, by and through Deputy Attorney General Clint Miller, seeks permission to file a belated brief in this capital murder case after having received five prior extensions. The state's brief was first due on June 19, 1994, but that time was extended to August 5, 1994, September 4, 1994, September 30, 1994, October 28, 1994, and December 2, 1994. We designated the December 2, 1994 extension to be a final one. However, the state's brief was not filed on December 2, 1994, nor was a timely motion filed requesting another extension or explaining why a brief had not been filed. Instead, on March 16, 1995, the state filed its motion for belated brief asking it have until April 14, 1995. In its motion, the state sets forth reasons such as the voluminous record, large number of points raised and other appellate business as being causes for its untimely motion. State's counsel, on the other hand, accepts full responsibility and faults no one else for his failure to complete the state's brief.

[1] We grant the state's motion, however, a copy of this

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per curiam will be forwarded to the Committee on Professional Conduct.

DUDLEY, J., not participating.

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