

## Vaughn YOUNG v. STATE of Arkansas

CR 91-219

823 S.W.2d 911

Supreme Court of Arkansas  
Opinion delivered February 17, 1992

1. **APPEAL & ERROR — FILING SUPPLEMENTAL ABSTRACT.** — When it does not cause an unreasonable or unjust delay in the disposition of an appeal, an appellant's attorney may be allowed time to reprint his brief, at his own expense, to conform to Ark. Sup. Ct. R. 9(d).
2. **APPEAL & ERROR — SUPPLEMENTAL ABSTRACT PERMITTED.** — Where granting the motion to file a supplemental abstract would not cause an unjust delay because the case was not yet ready for submission and other cases were, appellant was permitted fifteen days to file a substituted abstract and brief; once appellant has filed his supplemental abstract and brief, appellee will be afforded an opportunity to revise or supplement its brief, at the expense of the appellant's counsel.

Motion to Supplement Abstract and for Stay of Proceedings; granted.

*Henry Boyce*, for appellant.

*Winston Bryant*, Att'y Gen., by: *Didi H. Sallings*, for appellee.

**PER CURIAM.** The appellant, Vaughn Young, filed his abstract and brief in this case. The State filed the appellee's brief. Prior to the time his reply brief was due, the appellant's attorney realized that his abstract was insufficient and filed a motion asking that he be allowed to supplement his abstract and brief. Since the case is not yet ready for submission, we grant the motion and allow the appellant fifteen days within which to file a substituted abstract and brief.

**[1, 2]** Rule 9(e)(2) of the Rules of the Supreme Court and Court of Appeals provides that, when it does not cause an unreasonable or unjust delay in the disposition of an appeal, an appellant's attorney may be allowed time to reprint his brief, at his own expense, to conform to Rule 9(d). Granting the motion in this case will not cause an unjust delay since the case is not yet ready for submission and other cases are ready for submission.

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Upon filing of the substituted abstract and brief, the appellee will be afforded an opportunity to revise or supplement its brief, at the expense of the appellant's counsel.

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