

SUPREME COURT OF ARKANSAS

No. CR11-556

CRISTOBAL MANCIA,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,

Opinion Delivered December 1, 2011

MOTION TO RECONSIDER
DISMISSAL AND REINSTATE
APPEAL; MOTION TO FILE
BELATED
BRIEF

GRANTED.

PER CURIAM

Appellant Cristobal Mancía, by and through his attorney, Dana A. Reece, moves this court to reconsider our dismissal and reinstate the appeal and to file a belated brief. Mancía's brief, after a final extension, was due on August 25, 2011. On October 5, 2011, the State filed a motion to dismiss as no brief had been filed. This court granted that motion on October 27, 2011. Upon receiving the order of dismissal, Mancía filed the instant motion on November 4, 2011.

We will accept a criminal appellant's belated brief to prevent an appeal from being aborted. See *Stewart v. State*, 319 Ark 242, 889 S.W.2d 771 (1995). However, good cause must be shown to grant the motion. See, e.g., *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 good cause to grant motion for belated brief); *Brown v. State*, 347 Ark. 362, 64 S.W.3d 274 (2002) (per curiam) (holding that attorney's admitted error was good cause to



Cite as 2011 Ark. 507

grant the motion); *James v. State*, 329 Ark. 58, 945 S.W.2d 941 (1997) (per curiam).

Reece states in the motion that she inadvertently missed the deadline. Her fault is clear from the record and constitutes good cause. *See, e.g., Young v. State*, 372 Ark. 219, 272 S.W.3d 109 (2008) (per curiam). Accordingly, we grant the instant motions to reconsider dismissal and reinstate appeal and to file belated brief. Additionally, we refer the matter to the Committee on Professional Conduct.

Motions granted.