

**SUPREME COURT OF ARKANSAS**

No. CR 11-776

MELONI SEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** January 5, 2012

MOTION TO FILE BELATED BRIEF

GRANTED.**PER CURIAM**

Appellant Meloni Sey, by and through her counsel, Courtney Cline, moves this court to file a belated brief. After a final extension of time in which to file her brief was granted by this court, Sey's brief was due on November 7, 2011. On November 1, 2011, Sey tendered a non-complying brief that our clerk rejected. On November 4, 2011, Sey filed a motion to supplement the record, which this court denied on December 1, 2011.

On December 5, 2011, Sey tendered a corrected brief, and she now asks this court to accept this belated brief. Counsel states in the motion that it was her mistaken belief and misunderstanding that the time for filing the corrected brief was stayed pending her motion to supplement the record.

We will accept a criminal appellant's belated brief to prevent an appeal from being aborted. *Pennington v. State*, 2011 Ark. 363 (per curiam). However, good cause must be shown to grant the motion. *Id.*; see also *Strom v. State*, 356 Ark. 224, 147 S.W.3d 689 (2004) (holding that appellate counsel's admitted failure to timely file the brief constitutes good cause

to grant appellant's motion for belated brief. Counsel's fault is clear from the record and constitutes good cause). *Young v. State*, 372 Ark. 219, 272 S.W.3d 109 (2008) (per curiam). Accordingly, we grant the instant motion and refer the matter to the Committee on Professional Conduct.

Motion granted.