

SUPREME COURT OF ARKANSAS

No. CR12-475

STEVEN J. RUSSELL, JR.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 15, 2012

MOTION TO FILE BELATED BRIEF

GRANTED.

PER CURIAM

Appellant Steven J. Russell, Jr., by and through his attorney, David O. Bowden, moves this court to file a belated brief. On July 18, 2012, Russell filed a motion for extension of brief time, and Russell was granted a forty-five day final extension until September 14, 2012. On September 12, 2012, Russell filed a second motion for extension of brief time. The second motion stated that due to unforeseen medical complications Mr. Bowden would be unable to finish Russell's brief in the time allotted. This court granted Russell's second motion issuing another final extension, making Russell's brief due October 29, 2012. On October 29, 2012, Russell filed a third motion for extension of brief time, which this court denied. Following the denial of his third motion for extension of brief time on October 30, 2012, Russell tendered his brief and filed the instant motion on November 1, 2012.

We will accept a criminal appellant's belated brief to prevent an appeal from being aborted. See *Brewton v. State*, 375 Ark. 364, 290 S.W.3d 605 (2009) (per curiam). However, 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 good cause to grant appellant's motion for belated brief). Mr. Bowden admits fault for the failure to timely file Russell's brief. Accordingly, we grant the instant motion and refer the matter to the Committee on Professional Conduct.

Motion granted.

David O. Bowden, for appellant.

No response.