

Cite as 2009 Ark. 383 (unpublished)

ARKANSAS SUPREME COURT

No. CR 09-213

EARNEST CHAMBLISS
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered June 25, 2009

PRO SE MOTION TO FILE
BELATED BRIEF [CIRCUIT COURT
OF PULASKI COUNTY, CR 2007-163,
CR 2007-177, HON. BARRY A. SIMS,
JUDGE]

MOTION GRANTED.

PER CURIAM

In 2007, appellant Earnest Chambliss was tried on charges in two criminal matters that had been joined. He was found guilty by a jury of aggravated robbery and theft of property in the first case, and of the same charges in the second case. With an enhancement for employing a firearm during the commission of the offenses, appellant was sentenced to an aggregate term of 672 months' imprisonment. The Arkansas Court of Appeals affirmed. *Chambliss v. State*, CACR 08-210 (Ark. App. Oct. 1, 2008) (unpublished).

Subsequently, appellant timely filed in the trial court a verified pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The trial court denied and dismissed the petition without a hearing, and appellant has filed a pro se appeal here from the order.

Now before us is appellant's pro se motion to file a belated brief-in-chief. Appellant timely submitted a brief that was returned to correct the page numbering and include an



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addendum as required by Arkansas Supreme Court Rule 4-7. Appellant then timely submitted a second brief that was returned to appellant as the notice of appeal contained in the addendum was not filed-marked. He filed the instant motion to file a belated brief and tendered the corrected brief on April 24, 2009. In the motion, appellant contends that he was able to submit a compliant brief only after receiving the correct document from the circuit court clerk's office.

Having shown good cause as required under Arkansas Supreme Court Rule 4-7(d)(4), petitioner's motion to file a belated brief is granted. The clerk is directed to accept the corrected brief for filing.

Motion granted.