

Cite as 2018 Ark. 192  
**SUPREME COURT OF ARKANSAS**  
No. CR-17-842

ROBERT J. MOTEN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered: May 24, 2018

APPELLEE'S MOTION TO DISMISS  
APPEAL  
[ARKANSAS COUNTY CIRCUIT  
COURT, NORTHERN DISTRICT, NO.  
01SCR-07-109]

HONORABLE DAVID G. HENRY,  
JUDGE

MOTION GRANTED.

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SHAWN A. WOMACK, Associate Justice

The State of Arkansas seeks dismissal of a pro se appeal lodged in this court by appellant Robert J. Moten on October 12, 2017, that challenged a circuit court order that denied Moten's pro se motion for postconviction relief. As grounds for the motion, the State notes that Moten has failed to file a brief or take any other action to proceed with the appeal since it was lodged approximately five months ago. The motion is granted.

Moten was informed by letter from the Office of the Criminal Justice Coordinator on October 12, 2017, that his brief was due to be filed no later than November 21, 2017. Our clerk also mailed a copy of the briefing schedule to Moten on that date. Neither the letter from the coordinator nor the letter from the clerk was returned by the postal service. Approximately five months has elapsed since Moten was informed of the briefing schedule.

Because Moten did not file a brief, a motion for extension of brief time, or otherwise act to pursue the appeal, the State's motion is well founded. Failure of a party in an appeal to file a brief may constitute abandonment of the appeal. See *Barber v. Kelley*, 2017 Ark. 214; see also *Hogue v. Hogue*, 262 Ark. 767, 561 S.W.2d 299 (1978).

Motion granted.