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SUPREME COURT OF ARKANSAS

No. CR 10-420

WALTER GABRIEL TURNER,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,

Opinion Delivered November 4, 2010

MOTION FOR LEAVE TO FILE
BELATED BRIEF

GRANTED.

PER CURIAM

Appellant Walter Turner, by and through his counsel, Terrence Cain, moves this court to file a belated brief. After a final extension of time was granted by this court, Turner's brief was due on October 8, 2010. On October 7, 2010, counsel moved this court for a three-day extension. The court denied the motion on October 8, 2010. Counsel tendered the brief on October 11, 2010, and the instant motion was filed on October 12, 2010.

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). But 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) (holding that appellate counsel's admitted failure to timely file the brief constituted good cause to grant appellant's motion for belated brief). Accordingly, we grant the instant motion and refer the matter to the Committee on Professional Conduct.

Motion granted.