

**SUPREME COURT OF ARKANSAS**

No. CR09-788

ROBERT D. LOGGINS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** February 4, 2010

MOTION TO FILE BELATED  
APPEAL BRIEF

GRANTED.

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**PER CURIAM**

Appellant Robert D. Loggins, by and through his counsel, Lea Ellen Fowler, moves this court to file a belated brief. After a final extension of time was granted by this court, Loggins's brief was due on January 4, 2010.<sup>1</sup> On that day, Loggins moved for another extension, which was denied that same day. Loggins did not tender his brief to this court until January 6, 2010, and it was rejected due to noncompliance with our rules. The instant motion was filed on January 7, 2010, and Loggins's brief was again tendered to this court on January 8, 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). However, good cause must be shown to grant the motion. See *id.*; see also *Strom v. State*, 356 Ark. 224,

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<sup>1</sup>Loggins's brief was due January 1, 2010. However, because that day fell on a holiday, which was also a Friday, his brief became due on January 4, which was the next business day. See Ark. R. App. P.–Civ. 9 (2009).



Cite as 2010 Ark. 56

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). While Ms. Fowler does not admit fault, her fault is clear from the record and constitutes good cause. *See, e.g., 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.

BROWN, J., not participating.