

SUPREME COURT OF ARKANSAS

No. 10-127

JOE LOUIS KELLEY,
APPELLANT,

VS.

LARRY NORRIS, DIRECTOR, AND
SHELLI MARONEY, RECORDS
SUPERVISOR, ARKANSAS
DEPARTMENT OF CORRECTION,
APPELLEES,

Opinion Delivered May 27, 2010

MOTION FOR BELATED BRIEF

GRANTED.

PER CURIAM

Appellant Joe Louis Kelley, by and through his counsel, Mark Hampton moves this court for permission to file a belated brief. Appellant is appealing an order from the Jefferson County Circuit Court denying his petition for writ of mandamus and request for declaratory relief, wherein he challenges the Arkansas Department of Correction's computation of his sentences and its determination that those separate sentences must be served consecutively and not concurrently. After a final extension, Appellant's brief was due to be filed with this court on May 10, 2010. Appellant tendered the brief on that day but it was rejected due to noncompliance with our rules. Appellant filed the instant motion and, the next day, he tendered a corrected brief.

We will accept a criminal appellant's belated brief to prevent an appeal from being aborted. *See Brown v. State*, 373 Ark. 453, 284 S.W.3d 481 (2008) (per curiam). Good cause, however, must be shown before we will grant the motion. *See Strom v. State*, 356 Ark. 224,

Cite as 2010 Ark. 264

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 the motion for belated brief).

Here, it is clear that counsel's failure to comply with our rules resulted in the untimely filing of Appellant's brief and, thus, constitutes good cause for granting the motion. Accordingly, we grant Appellant's motion to file a belated brief and forward a copy of this order to the Committee on Professional Conduct.

Motion granted.