

Cite as 2009 Ark. 508

SUPREME COURT OF ARKANSAS

No. CR 09-122

LAWRENCE EDWARD MARTIN
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered October 22, 2009

PRO SE MOTIONS FOR
PRODUCTION OF DOCUMENTS, TO
CORRECT MATTERS, AND TO FILE
BELATED BRIEF AND PRO SE
PETITION FOR WRIT OF
MANDAMUS [CIRCUIT COURT OF
PULASKI COUNTY, CR 94-2146, HON.
WILLARD PROCTOR, JR., JUDGE]

ORDER AFFIRMED; MOTION TO
FILE BELATED BRIEF DENIED;
MOTIONS FOR PRODUCTION OF
DOCUMENTS AND TO CORRECT
MATTERS MOOT; PETITION FOR
WRIT OF MANDAMUS MOOT.

PER CURIAM

In 1995, appellant Lawrence Edward Martin was found guilty by a jury of capital murder and sentenced to life imprisonment without parole. We affirmed. *Martin v. State*, 328 Ark. 420, 944 S.W.2d 512 (1997). In 2008, appellant filed in the trial court a pro se petition for writ of habeas corpus. The trial court dismissed the petition, and appellant has lodged a pro se appeal here from the order.

Now before us is appellant's motion to file a belated brief. The brief-in-chief in this appeal was initially due to be filed no later than March 18, 2009. On March 17, 2009, appellant tendered a brief that was returned to him for correction because the addendum failed to comply with Arkansas Supreme Court Rule 4-7(c)(1)(C). A corrected brief was due no later than March 31, 2009.

On March 26, 2009, appellant tendered a brief that was returned to him as it was not in proper

Cite as 2009 Ark. 508

form. He was informed that a motion to file a belated brief must accompany any future briefs tendered to the court. On April 15, 2009, appellant tendered a corrected brief and a motion for belated brief. These documents were returned to appellant because the addendum in the brief was deficient.

On May 4, 2009, appellant tendered a brief that complied with the rules and filed the instant motion to file a belated brief. In the motion, he maintains in conclusory fashion that he has been unable to use the computers and typewriters at the Arkansas Department of Correction facility where he is housed. He does not indicate, however, that the computers were needed to conduct any specific research necessary to support a particular argument contained in the brief.

Appellant is required to demonstrate good cause for his failure to timely file his brief. *Travis v. State*, 2009 Ark. 242 (per curiam); *see also, Robinson v. State*, 360 Ark. 307, 200 S.W.3d 905 (2005) (per curiam). Here, appellant's brief was returned to him three times for correction, and forty-eight days elapsed between the time he tendered the initial brief and the time he tendered a conforming brief. Our rules provide, "If after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, addendum and brief within the prescribed time, the trial court's order may be affirmed for noncompliance with the Rule." Ark. Sup. Ct. R. 4-7(c)(3)(C).

As appellant failed to establish good cause for his brief to be filed belatedly, we deny appellant's motion to file a belated brief. The order is affirmed.

Appellant has also filed a pro se motion for the appellee State to produce records that would demonstrate whether his arrest complied with Arkansas Rule of Criminal Procedure 7.1 and a petition for writ of mandamus. In the mandamus petition, he asks this court to compel the Pulaski County Circuit Court Clerk to provide him with a copy of the petition for writ of habeas corpus filed in circuit court. He also has filed a motion and an amended motion seeking to "correct matters" pertaining to

Cite as 2009 Ark. 508

his request for a copy of the habeas petition. As the order on appeal is affirmed for failure to file a timely brief, the pleadings are moot.

Order affirmed, motion to file belated brief denied; motions for production and to correct matters moot; petition for writ of mandamus moot.