

ARKANSAS SUPREME COURT

No. CR 06-1311

BENNY L. HULSEY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered September 20, 2007

APPELLEE'S MOTION TO DISMISS
[CIRCUIT COURT OF BENTON
COUNTY, CR 2000-1178, HON. TOM J.
KEITH, JUDGE]

MOTION GRANTED; APPEAL
DISMISSED.

PER CURIAM

A jury found appellant Benny L. Hulsey guilty of indecent exposure and first-degree sexual abuse and sentenced him to an aggregate term of thirty years' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Hulsey v. State*, CACR 01-1342 (Ark. App. Sept. 10, 2003). Appellant filed a pro se petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied as an impermissible second petition. This court reversed and remanded for consideration of the merits of the petition, as it was the first petition filed following the mandate on direct appeal and was timely. *Hulsey v. State*, CR 04-1386 (Ark. Dec. 8, 2005) (per curiam). Following remand, the trial court entered an order denying relief on the petition, and appellant lodged a pro se appeal of that order in this court. The State now moves for dismissal based upon appellant's failure to file a brief within the time required.

Appellant's brief was first due to be filed in this court on December 27, 2006, but he requested and was granted an extension of time making the brief due on January 3, 2007. Appellant

tendered a brief that was not compliant with Ark. Sup. Ct. R. 4-7 on January 5, 2007. We granted appellant's motion to file a belated brief, and ordered that a conforming brief was then due on March 15, 2007. *Hulsey v. State*, CR 06-1311 (Ark. Mar. 1, 2007) (per curiam). Appellant tendered another brief, also not in proper form, on March 13, 2007, and we provided a final extension until May 24, 2007. *Hulsey v. State*, CR 06-1311 (Ark. May 10, 2007) (per curiam).

As of this date, no compliant brief has been tendered. Accordingly, the State's motion is granted and the appeal dismissed.

Motion granted; appeal dismissed.