

Cite as 2010 Ark. 319

SUPREME COURT OF ARKANSAS

No. CR09-1396

TOMMY SEVIER,
APPELLANT,

VS.

STATE OF ARKANSAS,
APPELLEE,

Opinion Delivered August 6, 2010

MOTION TO FILE BELATED BRIEF.

GRANTED.

PER CURIAM

Appellant Tommy Sevier, by and through his counsel, Jonathan T. Lane, moves this court to file a belated brief. After a final extension of time was granted by this court, Sevier’s brief was due on March 25, 2010. On March 26, 2010,¹ counsel tendered the brief to this court and moved for another extension of time. That motion was denied. The instant motion was filed on June 16, 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

¹ The clerk of this court informed counsel on March 26, 2010, that he was delinquent in the payment of his bar dues; counsel made payment that same day.

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constituted good cause to grant appellant's motion for belated brief). While counsel Lane does not admit fault, his 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.