

Cite as 2015 Ark. 37

**SUPREME COURT OF ARKANSAS**

No. CR-14-965

WENDIE COX

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** February 5, 2015

MOTION TO FILE BELATED BRIEF

MOTION GRANTED.**PER CURIAM**

Appellant Wendie Cox, by and through her attorney, Jeffery H. Kearney, has filed a motion to file a belated brief. In this motion, counsel also seeks an extension of time in which to submit appellant's opening brief.

On November 12, 2014, counsel lodged the record with our clerk, making appellant's brief due for filing on December 22, 2014. Ark. Sup. Ct. R. 4-3(a) (2014). However, counsel failed to file appellant's brief on that date, nor did counsel request in advance an extension of time in which to file the brief. In the pending motion, counsel accepts full responsibility for having failed to timely file the brief.

This court will accept a criminal appellant's belated brief to prevent an appeal from being aborted. *Thompson v. State*, 2013 Ark. 312 (per curiam). However, good cause must be shown to grant the motion. *Mister v. State*, 2013 Ark. 269 (per curiam) (citing *Strom v. State*, 356 Ark. 224, 147 S.W.3d 689 (2004) (per curiam) (holding that appellate counsel's admitted failure to timely file the brief constitutes good cause to grant a motion for belated

brief)).

Counsel's admission of fault for failing to file appellant's brief on time is good cause to permit the filing of a belated brief. Accordingly, we grant appellant's motion and also grant a final extension for the brief to be filed on or before February 9, 2015.

A copy of this order will be forwarded to the Committee on Professional Conduct.

Motion granted.