

Cite as 2015 Ark. 414

SUPREME COURT OF ARKANSAS

No. CR-15-68

LATAVIOUS D. JOHNSON
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered November 5, 2015

MOTION TO FILE BELATED BRIEF

MOTION GRANTED.**PER CURIAM**

Appellant, Latavious D. Johnson, by and through his attorney, Jeff Rosenzweig, moves this court to file a belated brief. On August 5, 2015, Johnson filed a motion for extension of brief time, and Johnson was granted an extension until September 9, 2015. On September 4, 2015, Johnson filed a second motion for extension of brief time asking this court to grant the extension until September 29, 2015. On September 11, 2015, the court granted a final extension with Johnson's brief due on September 24, 2015. Due to a calendaring error, Johnson tendered his brief on September 28, 2015, under the belief that it was being tendered early, not late. That same day, the instant motion for belated brief was filed.

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). However, 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) (per curiam) (holding that appellate counsel's admitted failure to

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timely file the brief constituted good cause to grant appellant's motion for belated brief). Mr. Rosenzweig admits fault for the failure to timely file Johnson's brief. Accordingly, we grant the instant motion and forward a copy of this opinion to the Committee on Professional Conduct.

Motion granted.