

Cite as 2009 Ark. 498

**SUPREME COURT OF ARKANSAS**

No. 09-614

DAMONT EWELLS  
Appellant

v.

STATE OF ARKANSAS  
Appellee**Opinion Delivered**      October 8, 2009PRO SE MOTION TO FILE BELATED  
BRIEF [CIRCUIT COURT OF  
SEBASTIAN COUNTY, FORT SMITH  
DISTRICT, CV 2006-1122]

MOTION GRANTED.

**PER CURIAM**

In 2006, the State of Arkansas filed an in rem action for forfeiture of certain property that included a sum of money and a vehicle seized from appellant Damont Ewells upon his arrest on drug and other charges. In 2007, the State filed a motion to dismiss for lack of evidence, and the court granted the motion. On September 15, 2008, the State filed a motion for forfeiture of the property as unclaimed property under Arkansas Code Annotated § 18-28-202(a)(10) (Repl. 2003) that the circuit court granted in an order entered the following day. Appellant filed a motion for return of the seized property on February 24, 2009, that was denied. Appellant lodged an appeal of that order in this court and has now filed a motion in which he seeks to file his brief belatedly.

Appellant's brief was due on July 15, 2009, and he tendered his brief on July 16, 2009. Appellant filed the pending motion on July 30, 2009. In his motion, appellant asserts that he was delayed in filing his brief due to circumstances concerning his imprisonment. Because the brief was tendered within a day of the date due and appellant acted promptly in filing his motion, we grant the motion to file a belated brief. Our clerk is directed to file appellant's brief as of the date of this opinion.

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Motion granted.