

SUPREME COURT OF ARKANSAS

No. CR-13-294

SHARVELT MARQUETTE MISTER
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered June 20, 2013

MOTION TO FILE BELATED BRIEF

GRANTED.**PER CURIAM**

Appellant Sharvelt Marquette Mister, by and through his attorney, Andrew Vess, moves this court to file a belated brief. Mister's brief was due on May 13, 2013, and the brief was tendered to this court on May 20, 2013.

We will accept a criminal appellant's belated brief to prevent an appeal from being aborted. *See, e.g., Stewart v. State*, 319 Ark. 242, 889 S.W.2d 771 (1995). However, good cause must be shown to grant the motion. *See, e.g., 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 constituted good cause to grant motion for belated brief); *Brown v. State*, 347 Ark. 362, 64 S.W.3d 274 (2002) (per curiam) (holding that attorney's admitted error was good cause to grant the motion). Attorney Vess admits fault for the failure to timely file Mister's brief. Accordingly, we grant the instant motion and refer the matter to the Committee on Professional Conduct.

Motion granted.

Andrew Vess, for appellant.

No response.