

ARKANSAS SUPREME COURT

No. CR 05-141

NOT DESIGNATED FOR PUBLICATION

PHILIP EUGENE PARMLEY
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered March 23, 2006

PRO SE MOTIONS FOR EXTENSION OF TIME TO FILE APPELLANT'S SUBSTITUTED BRIEF AND FOR LEAVE TO FILE OVERLENGTH ARGUMENT [CIRCUIT COURT OF GARLAND COUNTY, CR 2001-529-1, HON. JOHN WRIGHT, JUDGE]

MOTION FOR EXTENSION OF TIME GRANTED; MOTION TO FILE OVERLENGTH ARGUMENT DENIED

PER CURIAM

Philip Eugene Parmley was found guilty by a jury of possession of a controlled substance and sentenced as a habitual offender to 360 months' imprisonment. The Arkansas Court of Appeals affirmed. *Parmley v. State*, CACR 03-71 (Ark. App. January 14, 2004).

Subsequently, Parmley timely filed in the trial court a petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. The petition was denied. Parmley has lodged an appeal from the order in this court.

Appellant requested and was granted leave to file a substituted brief because the original brief he had filed did not contain an abstract of the record. *Parmley v. State*, CR 05-141 (Ark. February 2, 2006) (*per curiam*). Appellant, who is incarcerated and proceeding *pro se* on appeal, now seeks an extension of time to file the brief. He asserts that the extension is necessary because he is allowed limited time to type and duplicate the brief. He also seeks leave to file a brief with a fifty-page argument rather than the twenty-five pages allowed by Ark. Sup. Ct. R. 4-3(e).

The motion for extension of time, which is the first such motion filed by appellant with respect to the substituted brief, is granted. The time to submit the brief is extended to thirty days from the date of this opinion.

The motion for leave to file an overlength brief is denied. Appellant contends that he cannot

compress the in-depth arguments and explanations he desires to raise in the substituted brief into the twenty-five pages for argument permitted by Rule 4-3(e). Rule 4-3(e) provides that an over-length brief will be accepted only if the limitation on the number of pages is shown to be too stringent in a particular case and there has been a good faith effort to comply with the page limits. From the content of the instant motion, it cannot be said that the twenty-five page limitation is too stringent.

Motion for extension of time granted; motion to file overlength brief denied.