

Benjamin C. DUKE v. STATE of Arkansas

CR 01-967

55 S.W.3d 756

Supreme Court of Arkansas
Opinion delivered September 27, 2001

APPEAL & ERROR — MOTION FOR BELATED APPEAL & RULE ON CLERK —
GOOD CAUSE FOR GRANTING. — An admission by an attorney for a
criminal defendant that the notice of appeal was tendered late due
to a mistake on his part is good cause to grant a motion for belated
appeal and rule on the clerk.

Motion for Belated Appeal and Rule on the Clerk; granted.

Bryan P. Christian, for appellant.

No response.

PER CURIAM. Appellant, Benjamin C. Duke, by and through his attorney, Bryan Christian, has filed a motion to file a belated appeal. His attorney accepts responsibility for the untimeliness in filing a notice of appeal and states in his motion that the notice of appeal was tendered late due to a mistake on his part. We find that such error, admittedly made by an attorney for a criminal defendant, is good cause to grant the motion. See *In Re Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*); *Jacks v. State*, 344 Ark. 405, 39 S.W.3d 798 (2001).

[1] Appellant's motion is granted. A copy of this per curiam will be forwarded to the Committee on Professional Conduct.