

Daniel MORALES *v.* Hector MARTINEZ

04-1353

201 S W 3d 415

Supreme Court of Arkansas  
Opinion delivered January 20, 2005

APPEAL & ERROR — MOTION TO FILE BELATED PETITION FOR REVIEW — GRANTED — Appellant, in moving the court for permission to file a belated petition for review, asserted that his counsel is currently experiencing health problems and is undergoing extensive and ongoing treatment; the supreme court found that the appellant here has demonstrated good cause, and, accordingly, the court granted him permission to file a belated petition for review.

Motion to file belated petition for review granted.

*Tolley & Brooks, P.A.*, by: *Jay N. Tolley*, for appellant.

No response.

**P**ER CURIAM. Appellant Daniel Morales, by and through his attorney, Jay N. Tolley, moves this court for permission to file a belated petition for review. In his motion, filed December 20, 2004, Morales states that he now wishes to file his petition for review which was originally due on November 28, 2004. Morales asserts that his counsel is currently experiencing health problems and is undergoing extensive and ongoing treatment. Morales tendered his petition for review to this court's clerk along with the instant motion.

[1] In *Porter v. State*, 315 Ark. 160, 865 S.W.2d 300 (1993), we held that counsel's admitted error in tendering a late petition for review was good cause to grant permission to file a belated petition for review. Likewise, we find that the appellant in the instant case has demonstrated good cause, and, accordingly, we grant him permission to file a belated petition for review.

Motion to file belated petition for review granted