
Hezekiah PIERCE *v.* STATE of Arkansas

CR. 05-230

206 S W3d 247

Supreme Court of Arkansas
Opinion delivered March 31, 2005

APPEAL & ERROR — MOTION FOR RULE ON CLERK — MOTION FOR BELATED APPEAL GRANTED. — An admission by an attorney for a criminal defendant that the notice of appeal was not filed in a timely manner due to a mistake on his part is good cause to grant a motion for rule on clerk, which the court treated as a motion for belated appeal.

Motion for Rule on Clerk; motion for belated appeal granted.

Jonathan T Lane, for appellant.

No response.

PER CURIAM. Hezekiah Pierce, by his attorney, Jonathan T. Lane, has filed a motion for rule on the clerk. His attorney admits that the notice of appeal was not filed in a timely manner due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion, which we will treat as a motion for belated appeal. See *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*)

The motion for belated appeal is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.