

Donald SIMMONS *v.* STATE of Arkansas

CR 04-313

159 S.W.3d 312

Supreme Court of Arkansas  
Opinion delivered April 15, 2004

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

Motion for Belated Appeal; granted.

*Alvin Schay*, for appellant.

No response.

**P**ER CURIAM. Appellant Donald Simmons, by and through his attorney, has filed a motion for belated appeal. His attorney, Alvin Schay, states in the motion that the record was tendered late due to a mistake on his part.

[1] We find that such an 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).

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