

Bobby Joe JONES v. STATE of Arkansas

CR 98-924

976 S.W.2d 391

Supreme Court of Arkansas
Opinion delivered October 22, 1998

APPEAL & ERROR — MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the notice of appeal was not timely filed due to a mistake on his or her part is good cause to grant a motion for belated appeal.

Motion for Belated Appeal; granted.

Marsha Basinger, for appellant.

No response.

¹ Although that case actually dealt with the related issue of a litigant's standing, we think the reasoning is also applicable to the facts of the present case.

PER CURIAM. Appellant Bobby Joe Jones filed a motion for belated appeal from the order denying his motion for postconviction relief pursuant to A.R.Cr.P. Rule 37. We previously denied the motion because Appellant's attorney, Marsha Basinger, did not admit fault in failing to timely file the notice appeal. See *Jones v. State*, 334 Ark. 236, 973 S.W.2d 483 (1998) (*per curiam*). We indicated, however, that we would grant the motion if Appellant's attorney filed within thirty days a motion and affidavit accepting full responsibility for not timely filing the notice of appeal. Appellant's attorney has assumed full responsibility for the error in an amended motion filed October 5, 1998.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See *Johnson v. State*, 332 Ark. 78, 959 S.W.2d 54 (1998) (*per curiam*); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*). A copy of this *per curiam* will be forwarded to the Committee on Professional Conduct. See *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978).
