

Terry FRITTS *v.* State of ARKANSAS

CR 99-519

990 S.W.2d 549

Supreme Court of Arkansas
Opinion delivered May 27, 1999

APPEAL & ERROR — MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING. — Where appellant's attorney filed a motion for rule on the clerk and admitted that the appeal was not timely filed due to a mistake on his part, the supreme court, treating the motion as one for belated appeal, found good cause for granting.

Motion for Belated Appeal; granted.

Robert Meurer, for appellant.

No response.

PER CURIAM. Appellant Terry Fritts, by and through his attorney, has filed a motion for rule on the clerk which we will treat as a motion for belated appeal. His attorney, Robert Meurer, admits by motion that the appeal was not timely filed due to a mistake on his part. Specifically, the notice of appeal was filed before the judgment and commitment order was entered.

[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.