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Dana Daniel THETFORD *v.* STATE of Arkansas

CR 99-1352

5 S.W.3d 478

Supreme Court of Arkansas  
Opinion delivered December 16, 1999

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that the record of postconviction proceedings was tendered late due to a mistake on his part is good cause to grant a motion for rule on the clerk.

Motion for Rule on the Clerk; granted.

*John Wesley Hall, Jr.*, for appellant.

No response.

**P**ER CURIAM. Appellant Dana Daniel Thetford, by and through John Wesley Hall, Jr., attorney, has filed a motion for belated appeal. Appellant filed a timely notice of appeal from the denial of his postconviction relief pursuant to Rule 37 of the Arkansas Rules of Criminal Procedure. Attorney Hall admits by motion that the record of the postconviction proceedings 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 *Polletta v. State*, 327 Ark. 677, 939 S.W.2d 310 (1997)(*per curiam*); *Guss v. State*, 325 Ark. 521, 928 S.W.2d 336 (1996)(*per curiam*); *McCready v. State*, 325 Ark. 418, 924 S.W.2d 813 (1996)(*per curiam*).

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

Granted.