

Joe BRAWLEY v. STATE of Arkansas

CR 90-59

791 S.W.2d 712

Supreme Court of Arkansas
Opinion delivered July 9, 1990

APPEAL & ERROR — ATTORNEY ADMITTED FAULT IN FILING TIMELY NOTICE OF APPEAL — GOOD CAUSE FOR GRANTING BELATED APPEAL. — Where the attorney for a criminal defendant admitted that he failed to file a timely notice of appeal, there was good cause to grant appellant's motion for belated appeal.

Motion for Belated Appeal, Appellee's Motion to Dismiss Appeal, Settle the Record, and Stay Brief Time; granted in part; denied in part.

Kent J. Rubens, for appellant.

Steve Clark, Att'y Gen., by: *J. Brent Standridge*, Asst. Att'y Gen., for appellee.

PER CURIAM. Petitioner Joe Brawley, by his attorney, has filed a motion for a belated appeal. His attorney, Kent J. Rubens, admits he failed to file a timely notice of appeal pursuant to ARAP Rule 4(c).

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, *In*

Re: Belated Appeals in Criminal Cases.

A copy of this opinion will be forwarded to the Committee on Professional Conduct.

The State's motion to dismiss the appeal is denied. The state's motion to settle the record and motion for stay of brief time is granted.
