

Norman GAINES *v.* STATE of Arkansas

CR 02-1080

88 S.W.3d 424

Supreme Court of Arkansas
Opinion delivered October 31, 2002

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 filed in a timely manner late due to a mistake on his part is good cause to grant a motion for belated appeal.

Motion for Belated Appeal; granted.

Robert L. Depper, Jr., for appellant.

No response.

PER CURIAM. Appellant Norman Gaines, by his attorney, Robert L. Depper, Jr., has filed a motion for belated appeal. His attorney admits that the notice of appeal was not filed in a timely manner due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion for belated appeal. See *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90

(1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (*per curiam*).

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