

## Eric Randall NANCE v. STATE of Arkansas

CR 94-413

891 S.W.2d 28

Supreme Court of Arkansas  
Opinion delivered January 17, 1995

APPEAL & ERROR — TIMELY NOTICE OF APPEAL FILED ON AMENDED JUDGMENT — MOTION FOR RULE ON THE CLERK GRANTED. — Where an amended judgment had been filed on April 11, 1994, even though no written order was ever entered denying counsel's motion for new trial pertaining to the original conviction judgment of March 31, 1994 and on April 18, 1994, counsel filed a notice of appeal from the April 11, 1994 amended judgment, the notice was a timely appeal of the amended judgment irrespective of having filed an earlier new trial motion concerning the appellant's March 31 conviction judgment; the motion for a rule on the clerk was granted.

Motion for Rule on Clerk; granted.

*Larry W. Horton*, for appellant.

No response.

[1] PER CURIAM. In accordance with our per curiam in this case delivered on November 21, 1994, Nance's attorneys filed a motion accepting full responsibility for not timely filing a notice of appeal. However, counsel also respectfully pointed out that an amended judgment had been filed on April 11, 1994, even though no written order was ever entered denying his motion for new trial pertaining to the original conviction judgment of March 31, 1994. Counsel further noted that, on April 18, 1994, they filed a notice of appeal from the April 11, 1994 amended judgment. They suggest that notice was a timely appeal of the amended judgment irrespective of having filed an earlier new trial motion concerning Nance's March 31 conviction judgment. We agree, and in doing so, grant Nance's motion.