

James Eldridge PHILLIPS v. STATE of Arkansas  
CR 95-379 896 S.W.2d 890  
Supreme Court of Arkansas  
Opinion delivered May 1, 1995

APPEAL & ERROR — FAILURE TO GIVE TIMELY NOTICE OF APPEAL — MOTION FOR RULE ON CLERK TREATED AS MOTION FOR BELATED APPEAL AND GRANTED. — Where appellant filed a motion for rule on the clerk when his attorney failed to give timely notice of appeal and, as a result, the clerk refused to file the transcript, the acknowledgement was treated as a motion for belated appeal and granted.

Motion for Rule on Clerk; Treated as Motion for Belated Appeal; granted.

*Robert Meurer*, for appellant.

No response.

[1] PER CURIAM. The appellant, James Eldridge Phillips, has filed a motion for rule on the clerk. His attorney, Robert Meurer, failed to give timely notice of appeal, and, as a result, the clerk has refused to file the transcript. We will treat this acknowledgment as a motion for belated appeal and grant the motion. A copy of this opinion will be forwarded to the Committee on Professional Conduct. *See Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978).

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