

Gary ANDERSON v. STATE of Arkansas

CR 95-488

898 S.W.2d 53

Supreme Court of Arkansas  
Opinion delivered May 22, 1995

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that his notice of appeal was filed prior to the entry of the judgment was good cause to treat the motion for rule on the clerk as a motion for belated appeal, which motion was granted.

Motion for Rule on the Clerk; granted.

*John C. Bartlett*, for appellant.

No response.

PER CURIAM. We treat this motion for rule on the clerk as a motion for a belated appeal. Appellant filed his notice of appeal on December 19, 1994, whereas the judgment was not entered until January 9, 1995. Under our rules the notice of appeal was of no

effect. Ark. R. App. P. 4; *Kelly v. Kelly*, 310 Ark. 244, 835 S.W.2d 249 (1991).

[1] We grant the motion for a belated appeal and direct that a copy of this opinion be forwarded to the Committee on Professional Conduct.

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