

## Cecelia MADEWELL v. STATE of Arkansas

CR 95-533

899 S.W.2d 843

Supreme Court of Arkansas  
Opinion delivered June 12, 1995

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK TREATED AS MOTION FOR BELATED APPEAL — NOTICE OF APPEAL FILED BEFORE ENTRY OF JUDGMENT WAS OF NO EFFECT. — The appellate court treated a motion for rule on the clerk as a motion for belated appeal where the notice of appeal was of no effect because appellant filed it before judgment was entered later that same day; the motion was granted.

Motion for Rule on the Clerk; granted.

*Timothy M. Weaver*, for appellant.

*No response.*

[1] PER CURIAM. We treat this motion for rule on the clerk as a motion for a belated appeal. Appellant filed her notice of appeal on December 1, 1994, whereas the judgment was not entered until later that same day. 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).

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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