

Johnny BREWER v. STATE of Arkansas

CR 95-607

901 S.W.2d 11

Supreme Court of Arkansas
Opinion delivered June 26, 1995

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GRANTED AS A MOTION FOR BELATED APPEAL. — Where the attorney for the criminal defendant filed his notice of appeal prior to the entry of the judgment, the notice of appeal had no effect, and appellant's motion for rule on the clerk was treated as a motion for a belated appeal and was granted.

Motion for Rule on the Clerk; granted.

Thomas B. Devine, III, 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 16, 1994 at 1:17 p.m., whereas the judgment was not entered until December 16, 1994 at 2:36 p.m. 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.