

Deborah (Debbie) L. JACKS *v.* STATE of Arkansas

CR 01-291

39 S.W.3d 459

Supreme Court of Arkansas  
Opinion delivered April 5, 2001

APPEAL & ERROR — MOTION FOR BELATED APPEAL — GRANTED FOR GOOD CAUSE. — Where the notice of appeal is tendered late due to a mistake on the part of appellant's counsel, such an error, admittedly made by an attorney for a criminal defendant, is good cause to grant a motion for belated appeal; the motion was granted.

Motion to File Belated Appeal; granted.

*Mark S. Frasier*, for appellant.

No response.

**P**ER CURIAM. Appellant, Deborah L. Jacks, by and through her attorney, has filed a motion to file belated appeal. Her

attorney, Mark S. Frasier, accepts responsibility for the untimeliness in filing a notice of appeal and states in his affidavit that the notice of appeal was tendered late due to a mistake on his part. We find that such an error, admittedly made by an attorney for a criminal defendant, is good cause to grant the motion. *See In Re Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

[1] Therefore, the motion is granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

---

Deborah (Debbie) L. JACKS *v.* STATE of Arkansas

CR 01-291

39 S.W.3d 798

Supreme Court of Arkansas  
Opinion delivered April 5, 2001

ATTORNEY & CLIENT — MOTION TO BE RELIEVED — GRANTED FOR GOOD CAUSE. — Where a state-salaried, part-time public defender was ineligible for compensation by the supreme court for work performed in the appeal of the matter in question pursuant to a recent opinion, and the supreme court had relieved other public defenders and appointed new counsel on appeal under similar circumstances, the attorney's motion to be relieved for good cause shown was granted.

Motion to Withdraw as Attorney on Direct Appeal; granted.

*Ann C. Hill* and *Mark S. Frasier*, for appellant.

No response.

**P**ER CURIAM. Mark S. Frasier, a state-salaried, full-time public defender for the Eighteenth Judicial District, was appointed by the trial court to represent appellant Deborah L. Jacks, an indigent defendant, in this probation-revocation case. Appellant's probation was revoked, and she was convicted of the offense of Violation of the Arkansas Hot Check Law, a Class C felony, and

---

sentenced to seven years in the Arkansas Department of Correction with four years suspended. A notice of appeal was filed by Mr. Frasier, and a partial record has been lodged with our clerk.

[1] Mr. Frasier now asks that we relieve him as counsel for appellant in this criminal appeal. As a state-salaried, full-time public defender for the Eighteenth Judicial District East, Mr. Frasier is ineligible for compensation by this court for work performed in the appeal of this matter pursuant to our recent opinion in *Rushing v. State*, 340 Ark. 84, 8 S.W.3d 489 (2000). In *Tester v. State*, 341 Ark. 281, 16 S.W.3d 227 (2000), we relieved appellant's court-appointed public defender and appointed new counsel on appeal under similar circumstances. See also *Craft v. State*, 342 Ark. 57, 26 S.W.3d 584 (2000); *McFerrin v. State*, 342 Ark. 61, 26 S.W.3d 429 (2000); *Bolton v. State*, 342 Ark. 55, 26 S.W.3d 783 (2000). We grant Mr. Frasier's motion to be relieved for good cause shown. Steven R. Davis will be substituted as attorney for appellant Deborah L. Jacks in this matter.

---