

Todd TAYLOR v. STATE of Arkansas

CR 95-1006

907 S.W.2d 139

Supreme Court of Arkansas
Opinion delivered October 16, 1995

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS ONE FOR BELATED APPEAL — MOTION GRANTED. — Where appellant's attorney admitted that he prematurely filed the notice of appeal and that the mistake was his fault, the notice of appeal was of no effect, and the supreme court treated petitioner's motion for rule on the clerk as one for a belated appeal, which was granted upon counsel's admission of error.

Motion for Belated Appeal; granted.

Henry C. Morris, for appellant.

No response.

PER CURIAM. Petitioner, Todd Taylor, by his attorney, Henry C. Morris, has filed a motion for rule on the clerk. His attorney admits that he prematurely filed the notice of appeal in this cause and the mistake was on his part. Under our rules the notice of appeal was of no effect. Ark. R. App. P. 4.

[1] We will treat petitioner's motion as one for a belated appeal which we grant upon counsel's admission of error. We direct that a copy of this opinion be forwarded to the Committee on Professional Conduct. *Woods v. State*, 316 Ark. 705, 873 S.W.2d 563 (1994).