

Reginald JOHNSON v. STATE of Arkansas

CR 95-1227

911 S.W.2d 593

Supreme Court of Arkansas  
Opinion delivered December 18, 1995

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS ONE FOR BELATED APPEAL — MOTION GRANTED. — Where appellant's attorney admitted that he untimely filed a notice of appeal due to a mistake on his part, 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.

*Tell Hulett*, for appellant.

No response.

PER CURIAM. Petitioner, Reginald Johnson, by his attorney, *Tell Hulett*, has filed a motion for rule on the clerk. His attorney admits that he untimely filed a notice of appeal in this cause due

to a mistake 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 per curiam will be forwarded to the Committee on Professional Conduct. *Woods v. State*, 316 Ark. 705, 873 S.W.2d 563 (1994).

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