

Leonard DOKES *v.* STATE of Arkansas

CR 96-208

914 S.W.2d 762

Supreme Court of Arkansas
Opinion delivered February 26, 1996

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS
MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING.
— Where appellant moved for a rule on the clerk, the supreme
court treated the motion as one for a belated appeal and granted it
because the failure of counsel to perfect an appeal in a criminal
case where the defendant desires an appeal constitutes a denial of
effective assistance of counsel and good cause for a belated appeal.

Brockman, Norton & Taylor, by: *C. Mac Norton*, for
appellant.

No response.

PER CURIAM. Leonard Dokes was convicted of driving
while intoxicated. He attempted to lodge the record of trial with
this Court, but the Clerk refused the record because the notice of
appeal was not filed within the prescribed time. Mr. Dokes,
through his counsel *C. Mac Norton*, has moved for a rule on the
clerk. In these circumstances we treat the motion as one for a

belated appeal. *Phillips v. State*, 320 Ark. 392, 896 S.W.2d 890 (1995).

[1] We grant the belated appeal because the failure of counsel to perfect an appeal in a criminal case where the defendant desires an appeal constitutes a denial of effective assistance of counsel and good cause for a belated appeal. *Gay v. State*, 288 Ark. 589, 707 S.W.2d 320 (1986).

A copy of this opinion will be forwarded to the Committee on Professional Conduct.
