
James WEDGEWORTH *v.* STATE of Arkansas

CR 07-1042

266 S.W.3d 743

Supreme Court of Arkansas
Opinion delivered November 1, 2007

APPEAL & ERROR — ATTORNEY ADMITTED FAULT — MOTION FOR RULE ON CLERK GRANTED. — Because appellant's attorney admitted fault for the late tender of the record, the motion for rule on clerk was granted in accordance with *McDonald v. State*.

Motion for Rule on Clerk; granted.

Katherine S. Streett, for appellant.

No response.

PER CURIAM. Appellant James Wedgeworth, by and through his attorney, has filed a motion for rule on clerk. His attorney, Katherine S. Streett, Public Defender for the Thirteenth Judicial District, states in the motion that she takes full responsibility for the late tender of the record.

[1] This court clarified its treatment of motions for rule on clerk and motions for belated appeals in *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). There we stated that there are only two possible reasons for an appeal not being timely perfected: either the party or attorney filing the appeal is at fault, or there is "good reason." *Id.* at 116, 146 S.W.3d at 891. Because Ms. Streett has admitted fault, this motion is granted in accordance with *McDonald*. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

Motion granted.