

Sam STEWART v. STATE of Arkansas

CR 97-942

949 S.W.2d 893

Supreme Court of Arkansas
Opinion delivered September 11, 1997

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS
MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING.

— An admission by an attorney for a criminal defendant that the notice of appeal was untimely filed due to negligence on his part is good cause to treat a motion for rule on the clerk as one for belated appeal and to grant the motion.

Motion for Belated Appeal and Rule on the Clerk Treated as Motion for Belated Appeal; granted.

Irwin Law Firm, by: *Robert E. Irwin*, for appellant.

No response.

PER CURIAM. The appellant, Sam Stewart, has filed a motion styled, "Motion to File Belated Appeal and for a Rule on the Clerk." Mr. Stewart's attorney, Robert E. Irwin, admits that the notice of appeal was untimely filed due to negligence on his part.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to treat this motion as one for belated appeal and grant the motion. *See In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam). A copy of this opinion will be forwarded to the Committee on Professional Conduct.
