

Larry Darnell INGRAM *v.* STATE of Arkansas

CR 97-1114

955 S.W.2d 186

Supreme Court of Arkansas
Opinion delivered November 20, 1997

APPEAL & ERROR — MOTION FOR BELATED APPEAL TREATED AS
MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING.
— An admission of responsibility by the attorney for a criminal
defendant for failing to timely file the transcript is good cause to
treat a motion for belated appeal as one for rule on the clerk and to
grant the motion.

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

D. Kirk Joyce, for appellant.

No response.

PER CURIAM. The appellant, Larry Darnell Ingram, has previously filed a motion for belated appeal. See *Ingram v. State*, 330 Ark. 218, 951 S.W.2d 314 (1997). We denied the motion because Ingram's attorney, D. Kirk Joyce, had not admitted fault for failing to file the record in a timely manner. Mr. Joyce has since submitted an affidavit accepting responsibility for failing to timely file the transcript.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to treat the motion as one for rule on the clerk and grant the motion. See *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978). A copy of this opinion will be forwarded to the Committee on Professional Conduct.
