

W.W. v. STATE of Arkansas

97-1305

956 S.W.2d 169

Supreme Court of Arkansas
Opinion delivered November 20, 1997

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS
MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING.
— An admission by the attorney for a criminal defendant that the
notice of appeal was not filed in a timely manner due to a mistake
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 Rule on the Clerk treated as Motion for Belated
Appeal; granted.

Alvin Schay, for appellant.

No response.

PER CURIAM. This is a juvenile delinquency proceeding in which, appellant, W.W., by his attorney, Alvin Schay, has filed a motion for rule on the clerk. His attorney admits that the notice of appeal was not filed in a timely manner due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion, which we will treat as a motion for belated appeal. See *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

The motion for belated appeal is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.
