

Timothy L. WADDLE and Irene L. Waddle *v.* STATE of
Arkansas

CR 97-71

936 S.W.2d 554

Supreme Court of Arkansas
Opinion delivered February 3, 1997

APPEAL & ERROR — MOTION FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING. — The supreme court treated appellants' request for rule on the clerk as a motion for a belated appeal; the error of failing to timely file a notice of appeal, admittedly made by counsel for criminal defendants, is good cause to grant the motion.

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

C. Richard Lippard, for appellant.

No response.

PER CURIAM. The appellants, Timothy L. Waddle and Irene L. Waddle, have filed a motion for rule on the clerk. Their attor-

ney, C. Richard Lippard, admits that the notice of appeal was untimely filed due to a mistake on his part.

[1] We treat appellants' request for rule on the clerk as a motion for a belated appeal. *See, e.g., Hicks v. State*, 325 Ark. 192, 923 S.W.2d 872 (1996). We find that the error of failing to timely file a notice of appeal, admittedly made by counsel for criminal defendants, is good cause to grant the motion. *See In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

We grant the motion for belated appeal. A copy of this opinion will be forwarded to the Committee on Professional Conduct.
