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Paul Eddie WEAVER *v.* STATE of Arkansas

CR 97-146

938 S.W.2d 234

Supreme Court of Arkansas  
Opinion delivered February 24, 1997

APPEAL & ERROR — MOTION FOR RULE ON CLERK TREATED AS ONE FOR BELATED APPEAL — GOOD CAUSE FOR GRANTING. — Where counsel for appellant accepted responsibility for failing to file a timely notice of appeal, the supreme court treated the motion as one for belated appeal and granted it, noting that failure on the part of counsel to perfect an appeal for a criminal defendant who wishes to appeal constitutes good cause for granting a belated appeal.

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

*Larry Hartsfield*, for appellant.

No response.

PER CURIAM. The appellant, Paul Eddie Weaver, has filed a motion for rule on the clerk. His attorney, Larry Hartsfield, accepts responsibility for failing to file a timely notice of appeal.

[1] We treat this motion as one for belated appeal and grant the motion. Failure on the part of counsel to perfect an appeal for a criminal defendant who wishes to appeal constitutes good cause for granting a belated appeal. *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.