

SUPREME COURT OF ARKANSAS

No. CR12-30

RICHARD STEPHEN FEDERICK
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE**Opinion Delivered** January 26, 2012

MOTION FOR RULE ON CLERK

MOTION GRANTED.**PER CURIAM**

Appellant, Richard Stephen Federick, by and through his attorney, Q. Byrum Hurst, Jr., has filed a motion for rule on clerk. On September 20, 2011, the circuit court entered a judgment and commitment order after accepting Federick's conditional plea of no contest to a charge of sexual indecency with a child. Federick timely filed his notice of appeal on October 11, 2011.

When an appeal is taken by the defendant, the record on appeal shall be filed with the clerk of the appellate court and docketed therein within ninety days from the filing of the notice of appeal. Ark. R. App. P.–Crim. 4(b) (2011). Here, the record was tendered January 10, 2012, one day late.

Where an attorney candidly admits fault for failing to perfect an appeal, we will grant the motion for rule on clerk, and a copy of the opinion will be forwarded to the Committee on Professional Conduct. *See McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). Attorney Hurst states in the motion that he accepts responsibility for failing to timely lodge

the record with the court. Accordingly, we grant the motion and forward a copy of this opinion to the Committee.

Motion granted.