

Cite as 2015 Ark. 196

SUPREME COURT OF ARKANSAS

No. CR-15-330

DERECK PELLETIER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered May 7, 2015

MOTION FOR RULE ON CLERK

MOTION GRANTED.**PER CURIAM**

Dereck Pelletier by and through his attorney, Robert R. Cortinez, Sr., has filed a motion for rule on clerk. On December 17, 2014, the circuit court entered a sentencing order. Pelletier timely filed a notice of appeal on January 8, 2015. Pelletier's counsel tendered the transcript on April 15, 2015. Pursuant to Arkansas Rule of Appellate Procedure—Criminal 4(b) (2014), Pelletier's transcript was due no later than April 8, 2015.

In *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004), we said that there are only two possible reasons for an appeal not being timely perfected: either the party or attorney filing the appeal is at fault, or there is good reason. *Id.* at 116, 146 S.W.3d at 891. Pelletier's attorney has candidly admitted fault in the failure to timely file the transcript. When it is plain from the motion, affidavits, and record that relief is proper under either rule based on error or good reason, the relief will be granted, and if there is attorney error, a copy of the opinion will be forwarded to the Committee on Professional Conduct. *See id.*

We grant Pelletier's motion for rule on clerk. Because the failure to perfect this appeal

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lies with Pelletier's counsel, a copy of this opinion will be forwarded to the Committee on Professional Conduct.

Motion granted.