

SUPREME COURT OF ARKANSAS

No. CA 10-520

KHADYA SMITH,

APPELLANT,

VS.

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES and
MINOR CHILDREN,

APPELLEES,

Opinion Delivered June 17, 2010

MOTION TO FILE A BELATED
NOTICE OF APPEAL

GRANTED.

PER CURIAM

Appellant Khadya Smith, by and through her attorney, Faye Reed, has filed a motion to file a belated notice of appeal. An amended order terminating parental rights was entered on April 7, 2010. Pursuant to Arkansas Supreme Court Rule 6-9(b)(1) (2010), Smith's notice of appeal was required to be filed no later than April 28, 2010, but was not filed until May 18, 2010.¹

Where an attorney candidly admits fault, we will grant the motion for belated appeal, 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 Reed admits that due to

¹We note that the notice of appeal does not meet the requirements of Arkansas Supreme Court Rule 6-9(b)(1)(B) (2010), in that it lacks Smith's signature. Counsel states in the motion for belated appeal that she was unable to locate Smith to obtain her signature.

Cite as 2010 Ark. 298

her lack of diligence, the notice of appeal was not timely filed. Accordingly, we grant the motion and forward a copy of this opinion to the Committee.

Motion granted.

CORBIN, J., not participating.