

SUPREME COURT OF ARKANSAS

No. 12-947

AMADO MANCIA

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES AND MINOR
CHILDREN

APPELLEES

Opinion Delivered December 6, 2012

MOTION FOR RULE ON CLERK
AND FOR BELATED APPEALMOTION TREATED AS MOTION
FOR RULE ON CLERK GRANTED.**PER CURIAM**

Appellant, Amado Mancía, by and through his attorney, Casey Copeland, has filed a motion for rule on clerk and for belated appeal. The circuit court entered an order on July 17, 2012, terminating Mancía's parental rights. Mancía timely filed his notice of appeal on August 7, 2012. Pursuant to Arkansas Supreme Court Rule 6-9(d) (2012), Mancía's record was due by October 16, 2012; however, the record was not tendered to this court's clerk until November 5, 2012.

This court clarified its treatment of motions for rule on clerk and motions for belated appeals in *McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). There, 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." 356 Ark. at 116, 146 S.W.3d at 891. We explained:

Where an appeal is not timely perfected, either the party or attorney filing the appeal is at fault, or there is good reason that the appeal was not timely perfected. The party

or attorney filing the appeal is therefore faced with two options. First, where the party or attorney filing the appeal is at fault, fault should be admitted by affidavit filed with the motion or in the motion itself. There is no advantage in declining to admit fault where fault exists. Second, where the party or attorney believes that there is good reason the appeal was not perfected, the case for good reason can be made in the motion, and this court will decide whether good reason is present.

Id., 146 S.W.3d at 891 (footnote omitted). While this court no longer requires an affidavit admitting fault before we will consider the motion, an attorney should candidly admit fault where he has erred and is responsible for the failure to perfect the appeal. *See id.*

In accordance with *McDonald, supra*, Mr. Copeland has admitted fault. The motion is therefore granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

Motion treated as motion for rule on clerk granted.

Casey D. Copeland, for appellant.

No response.