

**SUPREME COURT OF ARKANSAS**

No. CR10-838

DENISSE SERRANO,

APPELLANT,

VS.

STATE OF ARKANSAS,

APPELLEE,

**Opinion Delivered** September 30, 2010

MOTION FOR RULE ON CLERK;  
MOTION FOR BELATED APPEAL

GRANTED.

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**PER CURIAM**

Appellant, Denisse Serrano, by and through her attorney, Steven R. Smith, has filed a motion for rule on clerk and a motion for belated appeal. We combine the motions and treat them as a motion for belated appeal.

A judgment and commitment ordered entered on April 9, 2010, reflects that Serrano was convicted of two counts of permitting the abuse of a minor and sentenced to a total of 480 months' imprisonment. The notice of appeal was filed on May 10, 2010, making the record due in this court by August 9, 2010. On August 11, 2010, Serrano tendered the record and filed a motion for rule on clerk. That motion was denied without prejudice on September 9, 2010, because the notice of appeal was defective in that it misstated Serrano's charges, and counsel was given thirty days to file a new motion. *See Serrano v. State*, 2010 Ark. 325.

Where an attorney candidly admits fault for failing to perfect an appeal, we will grant

Cite as 2010 Ark. 359

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 Smith admits that the notice of appeal was defective due to his error. Accordingly, we grant the motion and forward a copy of this opinion to the Committee.

Motion granted.