

Johnny Lee NELSON *v.* STATE of Arkansas

CR 81-30

613 S.W. 2d 598

Supreme Court of Arkansas  
Opinion delivered April 6, 1981

CRIMINAL PROCEDURE — BELATED APPEALS IN CRIMINAL CASES —  
ADMISSION BY ATTORNEY THAT LATE TENDER OF RECORD WAS DUE  
TO MISTAKE ON HIS PART — GOOD CAUSE TO GRANT MOTION FOR  
RULE ON CLERK. — An affidavit by an attorney for a criminal  
defendant, attached to a motion for rule on the clerk, admit-  
ting that the record was tendered late due to a mistake on the  
attorney's part, is good cause to grant the motion.

Motion for rule on the clerk; motion granted.

*Ray Baxter*, for appellant.

*Steve Clark*, Atty. Gen., for appellee.

PER CURIAM. Appellant Johnny Lee Nelson, by his  
attorney, has again filed for a rule on the clerk. In a Per

Curiam opinion issued March 23, 1981, we denied a similar motion.

His attorney, Ray Baxter, has attached an affidavit admitting that the record was tendered late due to a mistake on his part.

We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See our Per Curiam opinion dated February 5, 1979, In Re: Belated Appeals in Criminal Cases.

A copy of this opinion will be forwarded to the Committee on Professional Conduct.

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