

James K. KOMINSKY *v.* STATE of Arkansas

612 S.W. 2d 738

Supreme Court of Arkansas
March 16, 1981

APPEAL & ERROR — BELATED APPEALS IN CRIMINAL CASES — MOTION FOR RULE ON CLERK, GOOD CAUSE FOR GRANTING. — An affidavit by an attorney for a criminal defendant attached to a motion for rule on the clerk, admitting that the record was tendered late due to a mistake on his part, is good cause to grant the motion.

Motion for Rule on the clerk; motion granted.

Tom J. Keith, Public Defender, 19th Judicial District,
for appellant.

Steve Clark, Atty. Gen., for appellee.

PER CURIAM. James K. Kominsky, by his attorney, has filed for a rule on the clerk.

His attorney, Tom J. Keith, 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.