

Larry Ellender WILSON *v.* STATE of Arkansas

620 S.W. 2d 936

Supreme Court of Arkansas
Opinion delivered July 20, 1981

Motion for Rule on Clerk; denied.

APPEAL & ERROR — MOTION FOR RULE ON CLERK — FAILURE TO STATE GOOD CAUSE FOR GRANTING. — A Motion for Rule on the Clerk does not state good cause for granting where it merely states that there was a misunderstanding between the attorney and the court reporter concerning the transcript; however, if the attorney will file an amended motion acknowledging that the sole reason the record was not timely filed was due to his own negligence, the appellant will be granted a belated appeal.

Donald H. Smith, for appellant.

Steve Clark, Atty. Gen., by: *Alice Ann Burns*, Asst. Atty. Gen., for appellees.

PER CURIAM. The appellant, Larry Ellender Wilson, by his attorney has filed a Motion for Rule on the Clerk. It is denied because the motion does not state good cause. While the attorney for the appellant says there was a misunderstanding between him and the court reporter, there is no acknowledgement that the sole reason the record was not filed was the negligence of the attorney. If the appellant's attorney will concede that in an amended motion, then the appellant will be granted a belated appeal. *See Moore v. State*, 267 Ark. 548, 609 S.W. 2d 894 (1980).