

Larry Ellender WILSON *v.* STATE of Arkansas

620 S.W. 2d 936

Supreme Court of Arkansas
Opinion delivered September 14, 1981

APPEAL & ERROR — FAILURE OF ATTORNEY TO FILE RECORD ON TIME
— ADMISSION OF MISTAKE BY ATTORNEY FOR CRIMINAL DEFEND-
ANT GROUNDS FOR GRANTING MOTION FOR RULE ON CLERK. —
Where an attorney for a criminal defendant attaches an
affidavit to his motion for rule on the clerk, admitting that the
record was tendered late due to a mistake on his part, such an
error, admittedly made by the attorney, is good cause to grant
the motion.

Motion for Rule on the Clerk; motion granted.

Donald H. Smith, for appellant.

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

PER CURIAM. Larry Ellender Wilson, by his attorney,
has filed for a rule on the clerk.

His attorney, Max J. Probst, has attached an affi-
davit 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, 265 Ark. 964.

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