

Robert Lee BORECK *v.* STATE of Arkansas

625 S.W. 2d 459

Supreme Court of Arkansas
December 7, 1981

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING MOTION. — Where the attorney for a criminal defendant attaches an affidavit to a motion for rule on the clerk, admitting that the record was tendered late due to a mistake on his part, this constitutes good cause to grant the motion.

Motion for rule on clerk; motion granted.

James E. Davis, for appellant.

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

PER CURIAM. Appellant Robert Lee Boreck has filed a motion for a rule on the clerk. His attorney, James E. Davis, has attached an affidavit to the motion admitting that the record was tendered late due to a mistake on his part. We hold 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, 265 Ark. 964, *In Re Belated Appeals in Criminal Cases*. A copy of this opinion, pursuant to that *per curiam*, will be forwarded to the Committee on Professional Conduct.