

Odis Donell THOMAS *v.* STATE of Arkansas

631 S.W. 2d 14

Supreme Court of Arkansas  
Opinion delivered April 5, 1982

Motion for Rule on the Clerk; motion denied.

APPEAL & ERROR — FAILURE TO TIMELY FILE RECORD — WHEN MOTION FOR RULE ON THE CLERK WILL BE GRANTED. — If an attorney for a criminal defendant will concede that it was his fault that the record was not timely filed, or if other good cause is shown, a motion for rule on the clerk will be granted.

*Robert B. Wellenberger*, for appellant.

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

PER CURIAM. Odis Donell Thomas, by his attorney, has filed a motion for rule on the clerk.

The motion admits that the record was not timely filed and that it was no fault of the appellant.

However, the motion does not state good cause for granting the motion as discussed in our per curiam issued February 5, 1979, 265 Ark. 964. If the attorney for Thomas will concede that it was his fault that the record was not filed, or if other good cause is shown, then the motion will be granted. The present motion for rule on the clerk is denied.