

Gardner SMITH, Jr. *v.* STATE of Arkansas

631 S.W.2d 835

Supreme Court of Arkansas
Opinion delivered May 3, 1982

APPEAL & ERROR — MISTAKE BY ATTORNEY — GOOD CAUSE FOR
MOTION FOR RULE ON THE CLERK. — An error, admittedly made
by the attorney for a criminal defendant, is good cause to grant
the Motion for Rule on the Clerk.

Motion for rule on the clerk; motion granted.

Charles P. Allen, for appellant.

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

PER CURIAM. Gardner Smith, Jr., by his attorney, has filed for a rule on the clerk.

His attorney, Charles P. Allen, 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, 265 Ark. 964.

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