

Tonnie BROWN v. STATE of Arkansas

635 S.W.2d 264

Supreme Court of Arkansas
Opinion delivered June 28, 1982

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — LATE TENDER OF RECORD — ADMISSION OF MISTAKE BY ATTORNEY GOOD CAUSE FOR GRANTING MOTION. — An admission by an attorney for a criminal defendant that the record was tendered late due to a mistake on his or her part is good cause to grant a motion for a rule on the clerk.

Motion for Rule on the Clerk; motion granted.

William R. Simpson, Jr., Public Defender, by: *Deborah R. Sallings*, Deputy Public Defender, for appellant.

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

PER CURIAM. Appellant, Tonnie Brown, by his attorney, has filed for a rule on the clerk.

His attorney, Deborah R. Sallings, admits that the record was tendered late due to a mistake on her 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.
