

Frank BROWN, Jr. v. STATE of Arkansas

638 S.W.2d 263

Supreme Court of Arkansas
Opinion delivered July 12, 1982

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — GOOD CAUSE FOR GRANTING MOTION. — An affidavit by attorneys for a criminal defendant, admitting that the record was tendered late due to a mistake on their part, and attached to a motion for rule on the clerk, is good cause for granting the motion.

Motion for Rule on the Clerk; motion granted.

Anthony W. Bartels and Jim Burton, for appellant.

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

PER CURIAM. Frank Brown, Jr., by his attorneys, has filed for a rule on the clerk.

His attorneys, Anthony W. Bartels and Jim R. Burton, have attached an affidavit admitting that the record was tendered late due to a mistake on their part.

We find that such an error, admittedly made by the attorneys 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.