

Ronald Dean ROE *v.* STATE of Arkansas

641 S.W.2d 31

Supreme Court of Arkansas  
Opinion delivered November 8, 1982

CRIMINAL PROCEDURE — MOTION FOR RULE ON THE CLERK —  
NECESSITY FOR ATTORNEY TO ADMIT MISTAKE IN FAILING TO FILE  
TRANSCRIPT ON TIME. — Where an attorney for a defendant in a  
criminal case attaches an affidavit to his Motion for Rule on  
the Clerk, stating that the transcript was not timely filed due  
to a mistake on his part, the motion will be granted.

Motion for Rule on the Clerk; motion granted.

*Donald R. Huffman*, for appellant.

*Steve Clark*, Atty. Gen., by: *William C. Mann, III*, Asst.  
Atty. Gen., for appellee.

PER CURIAM. Donald R. Huffman, attorney for appel-  
lant, has filed his Motion and Amended Motion for Rule on  
the Clerk. In an affidavit attached to the amended motion  
Donald R. Huffman states the reason for the delay in  
tendering the transcript was a mistake on his part in  
determining the date by which the appeal should have been  
filed.

We are granting the rule on the clerk upon the  
verification of attorney Donald R. Huffman that it was not  
timely filed due to his mistake. A copy of this opinion will be  
forwarded to the Committee on Professional Conduct.