

Billy J. BRITTON v. STATE of Arkansas

CR 93-832

861 S.W.2d 114

Supreme Court of Arkansas
Opinion delivered September 20, 1993

APPEAL & ERROR — MOTION FOR RULE ON THE CLERK — COUNSEL MUST CONCEDE FAULT. — Although the motion admitted the record was not timely filed and that it was no fault of appellant, the motion did not state good cause for granting the motion where counsel did not concede fault.

Motion for Rule on the Clerk; denied.

Kearney Law Office, by: *John L. Kearney*, for appellant.

No response.

PER CURIAM. Billy J. Britton, 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.

[1] 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 Billy J. Britton 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.