

Leonard Lee EMBRY v. STATE of Arkansas

CR 94-864

883 S.W.2d 471

Supreme Court of Arkansas  
Opinion delivered September 19, 1994

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

Motion for Rule on the Clerk; granted.

*John W. Settle*, for appellant.

No reponse.

PER CURIAM. Leonard Lee Embry, by his attorney, has filed a motion for a rule on the clerk.

His attorney, John W. Settle, admits by motion that the record was filed untimely due to a mistake on his part.

[1] We find that such an error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. *See In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

The motion is, therefore, granted. A copy of this opinion will be forwarded to the Committee on Professional Conduct.

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