

James A. DUTY v. STATE of Arkansas

CR 94-1153

886 S.W.2d 875

Supreme Court of Arkansas  
Opinion delivered November 14, 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.

*Robert C. Harder*, for appellant.

No response.

PER CURIAM. Appellant, James A. Duty, by his attorney, Robert C. Harder, has filed a motion for rule on the clerk. His attorney admits that the record was tendered late due to a mistake on his part.

[1] We find that such error, admittedly made by the attorney for a criminal defendant, is good cause to grant the motion. See *Terry v. State*, 272 Ark. 243, 613 S.W.2d 90 (1981); *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964 (1979) (per curiam).

A copy of this opinion will be forwarded to the Committee on Professional Conduct. *In Re: Belated Appeals in Criminal Cases*, 265 Ark. 964; *Harkness v. State*, 264 Ark. 561, 572 S.W.2d 835 (1978).

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