

Eric KENNEDY v. STATE of Arkansas

CR 95-897

905 S.W.2d 70

Supreme Court of Arkansas
Opinion delivered September 18, 1995

APPEAL & ERROR — MOTION FOR BELATED APPEAL GRANTED — COUNSEL ADMITTED FAULT — GOOD CAUSE SHOWN. — Where counsel for a criminal defendant admitted fault in failing to file the record in a timely manner, good cause for granting appellant's motion for rule on the clerk was shown, and the motion was granted.

Motion for Rule on the Clerk granted.

John Henry, for appellant.

No response.

PER CURIAM. Appellant, Eric Kennedy, by his attorney, has filed for a rule on the clerk.

His attorney, John Henry, admits that the failure to file the record in time was 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 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.