

Donnie Elbert GIST v. STATE of Arkansas

RC 89-12

768 S.W.2d 34

Supreme Court of Arkansas
Opinion delivered April 17, 1989

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.

Sherman and James, by: *Anthony J. Sherman*, for petitioner.

No response.

PER CURIAM. Petitioner, Donnie Gist, by his attorney, Anthony J. Sherman, has filed a motion for rule on the clerk. His attorney admits that he failed to file a transcript within the ninety (90) day limit due to his erroneous belief that he had been relieved as attorney of record.

[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 (1979).