

Ronald J. DWORSHAK *v.* STATE of Arkansas

CR 01-604

45 S.W.3d 386

Supreme Court of Arkansas
Opinion delivered June 14, 2001

APPEAL & ERROR — MOTION FOR RULE ON 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.

Lynn E. Plemmons, for appellant.

No response.

² The *Lindsey* court, however, held the Commission waived the issue of improper venue when it voluntarily asked affirmative relief by filing a third-party complaint.

PER CURIAM. Appellant, Ronald J. Dworshak, by and through his attorney, has filed a motion for a rule on the clerk. His attorney, Lynn F. Plemmons, admits in his motion that the record was tendered late due to a mistake on his part.

[1] We find that such an error, admittedly made by an 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.
