

Eric Z. GRILLOT *v.* STATE of Arkansas

CR 01-792

57 S.W.3d 180

Supreme Court of Arkansas
Opinion delivered October 25, 2001

1. APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR GRANTING. — An admission by an attorney for a criminal defendant that he did not timely file the transcript is good cause to grant a motion for rule on the clerk.
2. MOTIONS — MOTIONS TO WITHDRAW & FOR SUBSTITUTION OF COUNSEL — GRANTED. — Where appellant retained other counsel, who entered their appearance and motion for substitution of counsel of record, the supreme court granted the motion is granted; appellant's original attorney's motion to withdraw as counsel was also granted.
3. APPEAL & ERROR — MOTION TO FILE BELATED APPEAL — GRANTED. — The supreme court granted substituted counsel's motion to file a belated appeal.

Motion for Rule on the Clerk granted; Motion to Withdraw as Counsel granted; Motion for Entry of Appearance and Substitution of Counsel granted; Motion to File Belated Appeal granted.

Ralph J. Blagg, Ed Webb & Associates, by: Lynn D. Lisk and Pat Marshall, for appellant.

No response.

PER CURIAM. Appellant, Eric Z. Grillot has filed a motion for a rule on the clerk. In *Grillot v. State*, 346 Ark. 25, 53 S.W.3d 525 (2001), we ordered appellant's attorney, Ralph J. Blagg, to file a motion for rule on the clerk in which he accepted full responsibility for not timely filing the transcript in this case. Mr. Blagg timely filed his motion, and now accepts responsibility for the late tender of the transcript.

[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.

[2] Appellant has retained other counsel, Lynn Lisk and Pat Marshall of Ed Webb and Associates, in this matter, and they have entered their appearance and motion for substitution of counsel of record. That motion is granted, and Ralph Blagg's motion to withdraw as counsel is also granted.

[3] The motion filed by Lynn Lisk and Pat Marshall to file a belated appeal is hereby granted. The clerk shall establish a briefing schedule.