

Tony PENNINGTON *v.* STATE of Arkansas

CR 01-1352

64 S.W.3d 708

Supreme Court of Arkansas
Opinion delivered January 10, 2002

MOTIONS — 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 Clerk; granted.

Walker, Shock & Cox, P.L.L.C., by: *James O. Cox*, for appellant.

No response.

PER CURIAM. Appellant Tony Pennington, by and through his attorney, has filed a motion for rule on clerk. Attorney, James O. Cox, states in the 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.

IMBER, J., not participating.