

Leroy King McCOY v. STATE of Arkansas

CR 96-514

921 S.W.2d 605

Supreme Court of Arkansas
Opinion delivered May 20, 1996

APPEAL & ERROR — MOTION FOR RULE ON CLERK — GOOD CAUSE FOR
GRANTING. — An admission by the attorney for a criminal defendant

that the failure to file the record in time was 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.

R. Brent Crews, for appellant.

No response.

PER CURIAM. The appellant, Leroy King McCoy, has filed a motion for rule on the clerk. His attorney, R. Brent Crews, filed a timely notice of appeal. While appellant apparently retained another attorney, Mr. Crews failed to ask to be relieved as counsel. He admits that he was required to do so, *see Young v. State*, 318 Ark. 235, 884 S.W.2d 591 (1994), and that the failure to timely file the record 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 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.

DUDLEY, J., not participating.
