

Kelly VEST *v.* STATE of Arkansas

CR 03-1300

138 S.W.3d 688

Supreme Court of Arkansas
Opinion delivered December 11, 2003

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 clerk.

Motion for Rule on Clerk; granted.

Stuart Vess, for appellant.

No response.

PER CURIAM. [1] Appellant, Kelly Vest, by and through his attorney, Stuart Vess, has filed a motion to file a belated appeal, which we will treat as a motion for rule on clerk. His attorney accepts responsibility for the untimeliness in filing the record and states in his motion that the lateness was due to a mistake on his part. We find that such 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); *Jacks v. State*, 344 Ark. 406, 39 S.W.3d 798 (2001).

Appellant's motion is granted. A copy of this per curiam will be forwarded to the Committee on Professional Conduct.