

Barry FAIROW *v.* STATE of Arkansas

CR. 04-679

190 S.W.3d 910

Supreme Court of Arkansas  
Opinion delivered September 9, 2004

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

*Dennis R. Molock*, for appellant.

No response.

**P**ER CURIAM. Appellant Barry Fairrow, by and through his attorney, Dennis R. Molock, has filed a motion for rule on clerk. Mr. Molock states in the motion that the notice of appeal was not filed in a timely fashion 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.